OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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| In the Matter of Charges and |) . | Case No. 14-11853-1 |
|-------------------------------|-------------|---|
| Complaint Against |))) | FILED |
| BOUNGKHONG VANSOMPHONE, M.D., |) | FEB 2 6 2014 |
| Respondent. |)) | 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 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, Board General Counsel and attorney for the IC, having a reasonable basis to believe that Boungkhong Vansomphone, M.D. (Respondent), has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630, collectively the Medical Practice Act (MPA), hereby issues its formal Complaint, stating the IC's charges and allegations, as follows:

- 1. Respondent has been licensed in active status since July 1, 2000 (License No. 9448), pursuant to the provisions of the MPA.
- 2. Respondent was also licensed in the state of Colorado at the time of the incidents complained of in this matter.
- 3. Respondent was also licensed in the state of California at the time of the incidents complained of in this matter.

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- 4. On or about March 7, 2013, the State of Colorado, Colorado Medical Board issued a Letter of Admonition to Respondent for his failure to respond to the complaint letter issued to him. At no time did Respondent disclose this Letter of Admonition to the Board.
- 5. On or about June 3, 2013, the State of California, Medical Board of California, issued a Public Letter of Reprimand to Respondent based upon the Colorado Medical Board's Letter of Admonition. At no time did Respondent disclose the Medical Board of California's Public Letter of Reprimand to the Board.
- 6. On or about June 7, 2013, Respondent renewed his license to practice medicine in the state of Nevada without informing the Board of either the Colorado Letter of Admonition or the California Public Letter of Reprimand.

Count I

- 7. All of the above allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 8. NRS 630.301(3) provides that any disciplinary action, including, without limitation, the revocation, suspension, modification or limitation of a license to practice any type of medicine, taken by another state is grounds for initiating disciplinary action against a licensee.
- 9. The disciplinary actions against Respondent, including, but not limited to, the Colorado Letter of Admonition and/or the California Public Letter of Reprimand, constitute a disciplinary action taken by another state that is grounds for initiating discipline against Respondent in violation of the provisions of NRS 630.301(3).
- By reason of the foregoing, Respondent is subject to discipline by the 10. Board as provided in NRS 630.352.

Count II

- 11. All of the above allegations in the above paragraphs are hereby incorporated as if fully set forth herein.
- 12. NRS 630.306(11) provides that failure to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state is grounds for initiating disciplinary action against a licensee.

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| | 13. | Repondent's | failure | to | report | the | Color | ado | Letter | of | Admo | onition | and/ | or | th |
|--------|---------|----------------|---------|-----|----------|-----|--------|-----|--------|------|---------|---------|-------|----|-----|
| Califo | rnia Pu | blic Letter of | Reprin | anc | d to the | Во | ard at | any | time | cons | titutes | a viol | ation | of | the |
| provis | ions of | NRS 630.306(| 11). | | | | | | | | | | | | |

By reason of the foregoing, Respondent is subject to discipline by the 14. Board as provided in NRS 630.352.

Count III

- 15. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 16. NRS 630.304(1) provides that obtaining, maintaining or renewing or attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation or by any false, misleading, inaccurate or incomplete statement is grounds for initiating disciplinary action against a licensee.
- 17. As demonstrated by, but not limited to, the above-outlined facts, Respondent's failure to report the Colorado Letter of Admonition and/or the California Public Letter of Reprimand on his Nevada renewal application constitutes a violation of the provisions of NRS 630.304(1).
- 18. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- 1. That the Board 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 NRS 630.339(2) within twenty (20) days of service of the Complaint;
- 2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Board determine what sanctions it agrees upon to impose if it finds and concludes that there has been a violation or violations of the MPA committed by Respondent;
- 4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and,

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

DATED this 26 day of February, 2014.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq. General Counsel

Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502

VERIFICATION

| STATE OF NEVADA |) |
|------------------|------------|
| COUNTY OF WASHOE | : ss.) |

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 26⁴⁴⁷ day of February, 2014.

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 26th day of February 2014; I served a filed copy of COMPLAINT & FINGERPRINT INFORMATION, via USPS e-certified mail to the following:

Boungkhong Vansomphone, M.D. 9309 Queen Charlotte Dr. Las Vegas, NV 89145

Dated this 26th day of February, 2014.

Angelia L. Donohoe Legal Assistant