# THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In the Matter of Charges and

Complaint Against

HUY NGUYEN, M.D.,

Respondent.

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Case No. 19-30254-1

**FILED** 

JAN 1 6 2019

STATE BOARD OF

### **COMPLAINT**

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this Complaint (Complaint) against Huy Nguyen, M.D. (Respondent), a licensed physician in Nevada. After investigating this matter, the IC1 has a reasonable basis to believe that Respondent has violated provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act). The IC alleges the following facts:

- Respondent was licensed by the Board, pursuant to the provisions of the Medical 1. Practice Act, on July 15, 2005, and is currently licensed in active status (License No. 11525).
- 2. Patient A's true identity is not disclosed herein to protect his privacy, but is disclosed in the Patient Designation served upon Respondent along with a copy of this Complaint.
- On August 24, 2012, Patient A, who was vacationing from Ohio, was admitted to 3. the St. Rose Dominican Hospital via the emergency room (ER) for a headache and eye pain. Patient A stated that he went to the ER due to "left eye infection was burning, seeping and flaming red."

At the time of filing, the IC was composed of Theodore Berndt, M.D., Chairman, Wayne Hardwick, M.D., and Mr. M. Neil Duxbury, Public Member.

- 4. On August 25, 2012, Respondent, who had the responsibility to evaluate Patient A's eyes, noted in the medical records that he "completed a full physical examination" and reviewed the work up from the ER with an understanding that Patient A presented with "left eye pain" and a history of pseudotumor cerebri. Respondent's impressions were pseudotumor cerebri, hypertension, diabetes, and obstructive sleep apnea. A neurologist was consulted subsequently. Respondent had a duty to perform an examination, including the conjunctiva, eye lids, and cornea, with a simple fluorescein stain that would be necessary to diagnose and treat an eye infection, prior to prescribing steroids for Patient A.
- 5. On August 26, 2012, Patient A was discharged with Respondent's prescribing steroid prednisolone eye drops (Pred Forte) and ciprofloxacin ophthalmic drops for treatment for his eyes and was instructed to follow up with an ophthalmologist the next day after discharge.
- 6. On May 13, 2013, Patient A required a cornea transplant after suffering a severe cornea ulceration of the left eye, which was not diagnosed by Respondent during his "full physical examination" on August 25, 2012.
- 7. Previous to the preparation of this Complaint, the Board solicited the services of an independent medical expert (IME) to review Patient A's medical records and the care provided to such patient by Respondent. This IME opined that Respondent's care of Patient A violated the Medical Practice Act due to his acts and omissions when rendering care to Patient A.

### Count I

# (Malpractice)

- 8. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 9. NRS 630.301(4) provides that malpractice of a physician is grounds for initiating disciplinary action against a licensee.
- 10. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 11. As demonstrated by, but not limited to, the above-outlined facts, Respondent failed to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when

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he provided medical treatment to Patient A, because when Respondent, without ruling out a herpetic or fungal infection during his full physical examination, started Patient A on the steroid (prednisolone) drops he deviated from the appropriate standard of care, which requires the ruling out of any opportunistic infections and failed to conduct a slip-lamp examination prior to treating Patient A with steroid eye drops treatment.

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

### **Count II**

### (Failure to Maintain Complete Medical Records)

- 13. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate 14. and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating discipline against a licensee.
- Respondent failed to maintain complete medical records relating to the diagnosis, 15. treatment and care of Patient A, by failing to document his actions when he treated Patient A, whose medical records were not timely, legible, accurate, and complete.
- By reason of the foregoing, Respondent is subject to discipline by the Board as 16. provided in NRS 630.352.

## WHEREFORE, the IC prays:

- That the Board give Respondent notice of the charges herein against him and give 1. 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;
- That the Board set a time and place for a formal hearing after holding an Early 2. Case Conference pursuant to NRS 630.339(3);
- That the Board determine what sanctions to impose if it finds and concludes that 3. 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	f law a	nd o	rder, in	writing	, to inc	lude :	sanctio	ns to	be imposed;	and	l		

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

DATED this day of January, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Robert Kilroy, Esq. General Counsel

Attorney for the Investigative Committee

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

### VERIFICATION

STATE OF NEVADA	)
COUNTY OF WASHOE	: ss.

Wayne Hardwick, 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 16th day of January, 2019.

Wayne Hardwick, M.D.

### CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 20th day of March, 2019, I served a file-stamped copy of the COMPLAINT, via USPS e-certified return receipt mail to the following:

> Huy Nguyen, M.D. 6771 West Charleston Boulevard, #C Las Vegas, NV 89146 (702) 412-3326

DATED this 20th day of March, 2019.