

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

3 * * * * *

4 **In the Matter of Charges and**
5 **Complaint Against**
6 **JOYCE PO KIN CHANG, M.D.,**
7 **Respondent.**

Case No. 19-33320-1

FILED

JAN 09 2019

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9 **COMPLAINT**

10 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
11 (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC,
12 having a reasonable basis to believe that Joyce Po Kin Chang, M.D. (Respondent) violated the
13 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)
14 Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's
15 charges and allegations as follows:

16 1. Respondent is a physician and holds an active license to practice medicine in the
17 State of Nevada (License No. 12643). She was originally licensed by the Board on
18 February 28, 2008.

19 **A. Respondent's Violations of Nevada Prescribing Laws, and the Nevada State Board of**
20 **Pharmacy's Disciplinary Action.**

21 2. Respondent held both a Controlled Substance Registration, Certificate
22 No. CS15881, and a Practitioner Dispensing Registration, Certificate No. PD00340, issued by the
23 Nevada State Board of Pharmacy (Pharmacy Board) at the time of the events set forth herein in
24 this Section A.

25 3. On or about September 7, 2018, the Pharmacy Board served Respondent with a
26 Notice of Intended Action and Accusation (Accusation) in Pharmacy Board Case
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28 ¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal
Complaint was authorized for filing, was composed of Board members Wayne Hardwick, M.D., Chairman,
Mr. M. Neil Duxbury and Aury Nagy, M.D.

1 No. 18-029-CS-S (Pharmacy Board Action). In lieu of filing an Answer to the Accusation, on or
2 about October 10, 2018, Respondent entered into a Stipulation and Order with the Pharmacy
3 Board, which became a final Decision and Order of the Pharmacy Board on October 10, 2018
4 (Pharmacy Board Order). In the Pharmacy Board Order, the Respondent freely and voluntarily
5 waived her rights to a hearing, reconsideration, appeal and any and all other rights related to the
6 Pharmacy Board Action, and Respondent neither contested nor admitted the Pharmacy Board's
7 allegations, which were pled with particularity in the Accusation, to wit, that Respondent:

- 8 a. Aided and abetted the unlawful prescribing of controlled substances in
9 violation of federal law, including 21 CFR § 1306.03, 21 CFR § 1306.04,
10 and 21 CFR § 1306.05, and Nevada law, including NRS 453.321(1)(a),
11 NRS 453.331(1)(c), (d), (f) and (i), NRS 639.2813(1) and
12 NAC 453.440(1)(c);
- 13 b. Aided and abetted the unlawful prescribing of dangerous drugs in violation
14 of NRS 454.223(2)(a), NRS 454.311(1) and (2), NRS 639.235(1),
15 NRS 639.2813(1) and NAC 454.060(1);
- 16 c. Unlawfully prescribed controlled substances and dangerous drugs to
17 patients with whom she did not have a bona fide practitioner/patient
18 relationship in violation of NRS 639.235 and/or NRS 639.23911(1)(a);
- 19 d. Failed to segregate expired medications from unexpired medications and
20 secure those expired medications in an area where they could not be used to
21 administer or fill prescriptions in violation of NRS 639.282(1)(d),
22 NAC 639.510(3) and NAC 639.601(1);
- 23 e. Failed to keep and produce records documenting patient names and dates
24 for Hydroquinone Tretinoin and/or Juvederm syringes dispensed or
25 administered by her office, and failed to maintain a recordkeeping system
26 with a readily retrievable record of her patients' names and the dates for
27 Hydroquinone Tretinoin and/or Juvederm injections dispensed or
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1 administered by her office, in violation of NRS 639.234(4) and
2 NAC 639.745(1)(a) and 3; and

3 f. Engaged in conduct violative of NAC 639.945(1)(h) by allowing other
4 practitioners to treat her patients and bill Medicaid and other commercial
5 health insurance plans using Respondent's National Provider Identifier,
6 thereby representing falsely that Respondent provided the services and
7 prescriptions personally, and causing Medicaid and other commercial health
8 insurance plans to submit payment to her office for services she did not
9 provide.

10 4. Pursuant to the Pharmacy Board Order, Respondent stipulated to, and the
11 Pharmacy Board ordered, *inter alia*, the following penalty:

12 a. That Respondent's Controlled Substance Registration, Certificate
13 No. CS15881, and Practitioner Dispensing Registration, Certificate
14 No. PD00340, were each revoked.

15 5. Pursuant to NRS 630.346(4), in any disciplinary hearing, a certified copy of the
16 record of a licensing agency showing a conviction or plea of nolo contendere or the suspension,
17 revocation, limitation, modification, denial or surrender of a license to practice medicine is
18 conclusive evidence of its occurrence.

19 6. On information and belief, the allegations of the Pharmacy Board as pled with
20 particularity in the Accusation are true and correct.

21 **COUNT I**

22 **NRS 630.306(1)(b)(3) (Engaging in Conduct That Violated Pharmacy Board Regulations)**

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

25 8. NRS 630.306(1)(b)(3) provides that engaging in conduct that violates a regulation
26 adopted by the Pharmacy Board is grounds for initiating disciplinary action.

27 9. By the conduct set forth in the Pharmacy Board Order, Respondent engaged in
28 conduct that violates regulations adopted by the Pharmacy Board, specifically including but not

1 limited to NAC 453.440(1)(c), NAC 454.060(1), NAC 639.510(3), NAC 639.601(1), NAC
2 639.745(1)(a) and (3), and NAC 639.945(1)(h).

3 10. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
4 Board of Medical Examiners as provided in NRS 630.352.

5 **COUNT II**

6 **NRS 630.306(1)(c) (Illegal Dispensing of Controlled Substances)**

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

9 12. Pursuant to NRS 630.306(1)(c), prescribing or dispensing any controlled substance
10 to others except as authorized by law is grounds for disciplinary action against a licensee.

11 13. By the conduct set forth in the Pharmacy Board Order, Respondent prescribed and
12 dispensed controlled substances in violation of federal law, including 21 CFR § 1306.03,
13 21 CFR § 1306.04, and 21 CFR § 1306.05, and Nevada law, including
14 NRS 453.321(1)(a), NRS 453.331(1)(c), (d), (f) and (i), NRS 639.2813(1), NAC 453.440(1)(c),
15 NRS 454.223(2)(a), NRS 454.311(1) and (2), NRS 639.235(1), NRS 639.2813(1),
16 NAC 454.060(1), and NRS 639.235 and/or NRS 639.23911(1)(a).

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

19 **COUNT III**

20 **NRS 630.305(1)(d) (Charging for Services Not Rendered or Documented)**

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

23 16. NRS 630.305(1)(d) provides that charging for visits to a physician's office which
24 did not occur or for services which were not rendered or documented in the records of the patient
25 is grounds for discipline.

26 17. By the conduct set forth in the Pharmacy Board Order, Respondent charged for
27 visits to her office which did not occur or for services which were not rendered or documented in
28 the records of the patient by allowing other practitioners to treat her patients and bill Medicaid and

1 other commercial health insurance plans using Respondent's National Provider Identifier, thereby
2 representing falsely that Respondent provided the services and prescriptions personally, and
3 causing Medicaid and other commercial health insurance plans to submit payment to her office for
4 services she did not provide.

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

7 **COUNT IV**

8 **NRS 630.3062(1)(a) (Failure to Maintain Complete Medical Records)**

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

11 20. NRS 630.3062(1)(a) provides that the failure to maintain timely, legible, accurate
12 and complete medical records relating to the diagnosis, treatment and care of a patient is grounds
13 for initiating discipline against a licensee.

14 21. By the conduct set forth in the Pharmacy Board Order, Respondent failed to
15 maintain complete medical records relating to the diagnosis, treatment and care of patients by,
16 *inter alia*, failing to keep and produce records documenting patient names and dates for
17 Hydroquinone Tretinoin and/or Juvederm syringes dispensed or administered by her office, and
18 failed to maintain a recordkeeping system with a readily retrievable record of her patients' names
19 and the dates for Hydroquinone Tretinoin and/or Juvederm injections dispensed or administered
20 by her office, in violation of NRS 639.234(4) and NAC 639.745(1)(a) and (3).

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

23 **WHEREFORE**, the Investigative Committee prays:

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

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

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3. That the Board determine what sanctions to impose if it determines 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, that includes the sanctions imposed; and

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

DATED this 8th day of January, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Aaron Bart Fricke
Aaron Bart Fricke, Esq., Deputy General Counsel
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4 Rachakonda D. Prabhu, M.D., having been duly sworn, hereby deposes and states under
5 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
6 Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he
7 has read the foregoing Complaint; and that based upon information discovered in the course of the
8 investigation into a complaint against Respondent, he believes that the allegations and charges in
9 the foregoing Complaint against Respondent are true, accurate and correct.

10 DATED this 9th day of January, 2019.

11 INVESTIGATIVE COMMITTEE OF THE
12 NEVADA STATE BOARD OF MEDICAL EXAMINERS

D. Prabhu Rachakonda
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14 Rachakonda D. Prabhu, M.D., Chairman
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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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**In the Matter of Charges and
Complaint Against
JOYCE PO KIN CHANG, M.D.,
Respondent.**

Case No. 19-33320-1

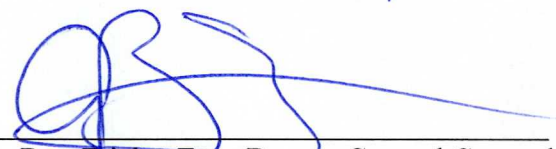
ERRATA TO COMPLAINT

This is an errata to correct an insubstantial error in the Complaint filed January 9, 2019, in this matter, and should be appended thereto.

Footnote 1 on page 1 should read as follows:

“The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal Complaint was authorized for filing, was composed of Board members Rachakonda D. Prabhu, M.D., Victor M. Muro, M.D., and Ms. April Mastroluca.”

Dated this 22 day of January, 2019.

By: 

Aaron Bart Fricke, Esq., Deputy General Counsel
Attorneys for the Investigative Committee