

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

3 \* \* \* \* \*

4  
5 **In the Matter of Charges and Complaint**

**Case No. 23-40843-2**

6 **Against:**

**FILED**

7 **CHARLES BRIAN KIM, M.D.,**

**JUN - 8 2023**

8 **Respondent.**

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: \_\_\_\_\_

9  
10 **COMPLAINT**

11 The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners  
12 (Board), by and through William P. Shogren, Deputy General Counsel and attorney for the IC,  
13 having a reasonable basis to believe that Charles Brian Kim, M.D. (Respondent) violated the  
14 provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC)  
15 Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's  
16 charges and allegations as follows:

17 1. Respondent was at all times relative to this Complaint a medical doctor holding an  
18 active license to practice medicine in the State of Nevada (License No. 14791). Respondent was  
19 originally licensed by the Board on May 15, 2013.

20 2. Patient A<sup>2</sup> was a fifty (50) year-old female at the time of the events at issue.

21 3. On May 11, 2018, Respondent performed a cholecystectomy on Patient A, which  
22 involved the surgical removal of Patient A's gallbladder.

23 4. Respondent sent tissue samples from Patient A's gallbladder to pathology.  
24 Respondent received the pathology report, which showed the presence of adenocarcinoma of the  
25 gallbladder.

26  
27 <sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal  
Complaint was authorized for filing, was composed of Board members Bret W. Frey, M.D., Carl N. Williams, Jr.,  
28 M.D., and Col. Eric D. Wade, USAF (Ret.).

<sup>2</sup> Patient A's true identity is not disclosed herein to protect her privacy, but is disclosed in the Patient  
Designation served upon Respondent along with a copy of this Complaint.



**COUNT II**

**NRS 630.301(4) - Malpractice**

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

14. NRS 630.301(4) provides that malpractice of a Physician is grounds for initiating disciplinary action against a licensee.

15. 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.”

16. 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 rendering medical services to Patient A when Respondent failed to refer Patient A to an oncologist, or other physician, in a timely manner, for consultation regarding the finding of adenocarcinoma.

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

**COUNT III**

**NRS 630.306(1)(b)(2) - Violation of Standards of Practice Established by Regulation –  
Consultation**

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

19. Violation of a standard of practice adopted by the Board is grounds for disciplinary action pursuant to NRS 630.306(1)(b)(2).

20. NAC 630.210 requires a physician to “seek consultation with another provider of health care in doubtful or difficult cases whenever it appears that consultation may enhance the quality of medical services.”

21. Respondent failed to timely seek consultation with regard to Patient A’s medical condition on or about May 11, 2018. Respondent should have consulted with an appropriate care

1 provider to address the diagnosis of Patient A's medical condition and such a timely consultation  
2 may have enhanced the quality of medical care provided to the patient regarding Patient A's  
3 diagnosis of adenocarcinoma.

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

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

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

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

12 3. That the Board determine what sanctions to impose if it determines there has been  
13 a violation or violations of the Medical Practice Act committed by Respondent;

14 4. That the Board award fees and costs for the investigation and prosecution of this  
15 case as outlined in NRS 622.400;


16 5. That the Board make, issue and serve on Respondent its findings of fact,  
17 conclusions of law and order, in writing, that includes the sanctions imposed; and

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

20 DATED this 8<sup>th</sup> day of June, 2023.

21 INVESTIGATIVE COMMITTEE OF THE  
22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

23 By:

  
24 WILLIAM P. SHOGREN

25 Deputy General Counsel

26 9600 Gateway Drive

27 Reno, NV 89521

28 Tel: (775) 688-2559

Email: [shogrenw@medboard.nv.gov](mailto:shogrenw@medboard.nv.gov)

Attorney for the Investigative Committee



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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 13th day of June, 2023, I served a file-stamped copy of the foregoing **COMPLAINT** as well as file-stamped copy of the **PATIENT DESIGNATION** and required fingerprinting materials, via USPS Certified Mail, postage pre-paid, to the following parties:

CHARLES BRIAN KIM, M.D.  
c/o Anthony D. Lauria, Esq.  
Lauria Tokunaga Gates & Linn, LLP  
1755 Creekside Oaks Drive, Suite 240  
Sacramento, CA 95833

9171 9690 0935 0255 6992 47

Tracking No.: \_\_\_\_\_

DATED this 13<sup>th</sup> day of June, 2023.



\_\_\_\_\_  
MERCEDES FUENTES  
Legal Assistant  
Nevada State Board of Medical Examiners