BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint

Against:

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CHIHUANG EDWARD YEE, M.D.,

Respondent.

Case No. 23-11427-1

FILED

AUG 18 2023

NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board), by and through Ian J. Cumings, Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Chihuang Edward Yee, M.D. (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- 1. Respondent was at all times relative to this Complaint a medical doctor holding an active license to practice medicine in the State of Nevada (License No. 7830). Respondent was originally licensed to by the Board on June 18, 1996. Respondent's specialty is listed on the Board's website as Ophthalmology.
 - 2. Patient A^2 was a fifty-nine (59) year-old male at the time of the events at issue.
- 3. On May 3, 2019, Patient A presented to Respondent with complaints of decreased vision. Respondent diagnosed Patient A with a cataract on Patient A's left eye and recommended corrective surgery with an intraocular lens implant.

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¹ 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 Victor M. Muro, M.D., Chowdhury H. Ahsan, M.D., Ph.D., FACC, and Ms. Pamela J. Beal.

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.

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- On June 20, 2019, Respondent performed cataract surgery on Patient A's left eye 4. including the implantation of an intraocular lens. During the procedure, Respondent failed to correctly conduct a biometry reading to determine the correct intraocular lens to implant.
- Preoperative notes document Patient A's cornea was clear. Respondents post-5. operative note stated that intraoperative testing to confirm which intraocular lens to select was impossible due to a damaged cornea.
- On June 21, 2019, Patient A returned to Respondent for a post-operative 6. examination with complaints of eye irritation in the left eye. Respondent documented that Patient A had a corneal abrasion and recommended that he follow-up in one-week.
- On June 25, 2019, Patient A retuned for his follow-up appointment and reported 7. the inability to read without the assistance of a magnifying glass. Diagnostic testing confirmed that Respondent had selected the incorrect lens for the left eye during the cataract surgery that was performed on June 20, 2019.
- Respondent performed a lens exchange procedure on July 2, 2019. Patient A 8. continued to follow-up with Respondent, who attempted several corneal scraping procedures.

COUNT I

NRS 630.301(4) - Malpractice

- All of the allegations contained in the above paragraphs are hereby incorporated by 9. reference as though fully set forth herein.
- NRS 630.301(4) provides that malpractice of a Physician is grounds for initiating 10. disciplinary action against a licensee.
- NAC 630.040 defines malpractice as "the failure of a physician, in treating a 11. patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances."
- As demonstrated by, but not limited to, the above-outlined facts, Respondent failed 12. to use the reasonable care, skill or knowledge ordinarily used under similar circumstances when rendering medical services to Patient A by inserting the wrong intraocular lens during the June 20, 2019, procedure.

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13. 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 to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
- 4. That the Board award fees and costs for the investigation and prosecution of this case as outlined in NRS 622.400;
- 5. 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
- 6. That the Board take such other and further action as may be just and proper in these premises.

DATED this 19th day of August, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

IAN J. CUMINGS Deputy General Counsel 9600 Gateway Drive

Reno, NV 89521

Tel: (775) 688-2559

Email: <u>icumings@medboard.nv.gov</u>

Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL

Nevada State Board of Medical Examiners

VERIFICATION

STATE OF NEVADA)
	: ss.	
COUNTY OF CLARK		-)

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

DATED this 8 day of August, 2023.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

VICTOR M. MURO, M.D.

Chairman of the Investigative Committee

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