

BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF THE COMPLAINT

AGAINST

STEVEN C. WEIN, LIC. #1450/SL 0468

RESPONDENT.

Case No.: AD 0911003

Filed NV STATE BOARD OF OSTEOPATHIC MEDICINE

DEC 03 2009

**FILED**

COMPLAINT & REQUEST FOR SUMMARY SUSPENSION

Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes and by virtue of the authority vested in it by said chapter, and NRS 233B.127, the Investigative Board Member of the Nevada State Board of Osteopathic Medicine ("Board"), having a reasonable basis to believe that STEVEN C. WEIN, D.O., hereinafter referred to as "Respondent" or "Dr. Wein," has violated the provisions of said chapter, hereby issues its formal Complaint, stating the Investigative Board Member's charges and allegations, as follows:

I.

General Allegations/Jurisdiction

1. That Respondent is licensed in active status to practice medicine in the state of Nevada, and at all times alleged herein, was so licensed by the Board of Osteopathic Medicine of the State of Nevada pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes. Respondent Wein is currently practicing in the area of Psychiatry.

2. That NRS 633.511(1) provides that unprofessional conduct is a ground for the initiation of disciplinary proceedings by this Board.

3. That NRS 633.131(1) defines "Unprofessional conduct," in part, as follows:

(f) Engaging in any . . . conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence. . . .

4. Pursuant to certain provisions of NAC 633.350(9), a licensee engages in unethical conduct if he engages in any other conduct that the Board determines constitutes unfitness to practice osteopathic medicine.

1           5. Pursuant to NAC 633.370, if a medical competency examination determines that a  
2 licensee is not competent to practice osteopathic medicine with reasonable skill and safety to  
3 patients, the Board will consider that determination to constitute a rebuttal presumption of  
4 profession incompetence with regard to the licensee.

6                                   **II.**

7                                   **COUNT ONE (FELONY CRIMINAL CHARGES)**

8           6. The allegations raised in Paragraphs 1 through 5 of the Section I, General  
9 Allegations/Jurisdiction, of this Complaint are incorporated herein by this reference as though  
10 such allegations were more fully set forth herein.

11           7. On or about November 1, 2009, Respondent was arrested at the Monte Carlo Hotel  
12 & Casino, on Las Vegas Boulevard, Las Vegas, Nevada. A criminal complaint was filed in  
13 Las Vegas Justice Court Case No. 09F22765X, Department 5, wherein it is alleged that  
14 Respondent Wein "willfully and unlawfully commit[ted] an act of open and gross lewdness by  
15 deliberately exposing and masturbating his penis in direct view and presence" of three  
16 females. The acts were caught on video cameras located in the elevator in which  
17 Respondent Wein and the three females were passengers.

18           8. By committing acts of open and gross lewdness, Respondent Wein has violated  
19 NRS 201.210. At the current time, the felony arraignment in the criminal case identified  
20 above is scheduled for January 4, 2010, at 7:30 a.m. If convicted of such charges, that  
21 conviction is a ground for disciplinary action pursuant to NRS 633.511(2)(g).

22           9. By committing acts of open and gross lewdness, Respondent Wein has engaged in  
23 unprofessional conduct, i.e., conduct that is detrimental to the public's health, safety, and  
24 against the public's morals; and that by engaging in such conduct, Respondent Wein has  
25 violated NRS 633.131(1).

26           10. By committing acts of open and gross lewdness, Respondent Wein has engaged  
27 in unethical conduct, i.e., conduct that indicates and/or constitutes an unfitness to practice  
28 osteopathic medicine, especially in the area of psychiatric medicine dealing with potentially

1 vulnerable patients.

2 11. Based upon Respondent Wein's acts on November 1, 2009, in an elevator at the  
3 Monte Carlo Hotel & Casino, in Las Vegas, Nevada, a mental examination of Respondent  
4 Wein appears warranted to determine whether Respondent is competent to continue in the  
5 practice of osteopathic medicine, and the specialty field of psychiatric medicine.

6 **III.**

7 **SUMMARY SUSPENSION**

8 12. The allegations set forth in paragraphs 1 through 11 of the foregoing complaint are  
9 incorporated herein as if they were repeated more fully in this Section.

10 13. That the public health, safety, and welfare imperatively require action and  
11 summary suspension of Respondent's licenses to practice medicine in the state of Nevada  
12 pending a hearing on the Complaint. That the act of masturbation and ejaculation puts the  
13 public's health, safety, and welfare at risk in that certain diseases may be transferred by and  
14 through the exchange of bodily fluid. Thus summary suspension is warranted. Additionally,  
15 because of the field in which the Respondent is practicing, i.e., psychiatric medicine and its  
16 involvement with potentially vulnerable patients, summary suspension of all licenses is  
17 warranted (License # 1450 and SL 0468).

18 14. Pursuant to SB 76, 2009 Nevada Legislature, effective May 22, 2009, an order of  
19 summary suspension may be issued by the Chairman of the governing board, without a  
20 hearing, but thereafter the Chairman shall not participate in any further proceedings of the  
21 agency relating to that order. A hearing on the summary suspension shall be instituted and  
22 determined within 45 days of the order unless the agency and the licensee, Respondent  
23 Wein, mutually agree in writing to a longer period of time.

24 **IV.**

25 **PRAYER**

26 WHEREFORE, the Investigative Member of the Board prays as follows:

27 1. That the Nevada State Board of Osteopathic Medicine schedule a hearing pursuant  
28 to the Board's authority found in NRS and NAC chapters 633, as well as NRS chapter 233B,

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1 NRS chapter 622, and NRS chapter 622A, and that the osteopathic medical license of  
2 Respondent Steven C. Wein be revoked and that Respondent Wein not be allowed to reapply  
3 for licensure in this state for a period of not less than 10 years.

4 2. That an order of summary suspension be immediately issued, suspending the  
5 osteopathic medical license of Respondent, Steven C. Wein, D.O.

6 3. That Respondent Steven C. Wein, D.O., be ordered to pay reasonable fees and  
7 costs incurred during the investigation of this matter, as well as all fees and costs incurred in  
8 the administrative/disciplinary proceedings, including but not limited to attorney's fees and  
9 costs; and

10 4. For such other and further relief that the Board deems appropriate under the  
11 circumstances of this case.

12 DATED this 3 day of December, 2009.

13 NEVADA STATE BOARD OF  
14 OSEOPATHIC MEDICINE

15 By: C. Dean Milne, D.O.  
16 C. DEAN MILNE, D.O.,  
17 Investigating Member of the  
18 Nevada Board of Osteopathic Medicine

18 Submitted by:  
19 NEVADA STATE BOARD OF  
20 OSTEOPATHIC MEDICINE

21 By: Dianna Negeduis  
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