

ORIGINAL

1 **BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**
2 **IN THE MATTER OF THE COMPLAINT**
3 **AGAINST**
4 **MING-WEI WU, D.O.,**
5 **RESPONDENT.**

**NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE**

Case No. **AD 0903040**
MAR 04 2009

Filed:

FILED

By *[Signature]*
Executive Director

7 **COMPLAINT**

8 Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes, and by
9 virtue of the authority vested in it by said chapter, the Investigative Board Member of the
10 Nevada State Board of Osteopathic Medicine ("Board"), having a reasonable basis to believe
11 that MING-WEI WU, D.O., hereinafter referred to as "Respondent" or "Dr. Wu," has violated
12 the provisions of said chapter, hereby issues its formal Complaint, stating the Investigative
13 Board Member's charges and allegations, as follows:

14 **I.**

15 **General Allegations/Jurisdiction**

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

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

22 3. That NRS 633.511(5) provides that professional incompetence is a ground for the
23 initiation of disciplinary proceedings by this Board.

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

25 (f) Engaging in any:

- 26 (1) Professional conduct which is intended to deceive or
which the board by regulation has determined is unethical;
- 27 (2) Medical practice harmful to the public or any conduct
28 detrimental to the public health, safety or morals which does
not constitute gross or repeated malpractice or professional
incompetence. . . .

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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

4 6. Pursuant to NAC 633.370, if a medical competency examination determines that a
5 licensee is not competent to practice osteopathic medicine with reasonable skill and safety to
6 patients, the Board will consider that determination to constitute a rebuttal presumption of
7 profession incompetence with regard to the licensee.
8

9 7. NRS 633.111 defines professional incompetence as including the lack of ability to
10 safely and skillfully practice osteopathic medicine.

11 II.

12 UNETHICAL CONDUCT

13 8. The allegations raised in Paragraphs 1 through 7 of the Section I, General
14 Allegations/Jurisdiction, of this Complaint are incorporated herein by this reference as though
15 such allegations were more fully set forth herein.

16 9. Patient J.D., a 67 year old female with pain in her lower abdomen, was admitted to
17 Desert Springs Hospital in Las Vegas, Nevada, on or about April 6, 2007. After an initial
18 diagnosis, Respondent determined that the Patient had developed an incarcerated ventral
19 hernia with bowel content in the hernia, thus requiring a surgical procedure. The records from
20 Desert Springs Hospital indicate that the patient expired at said hospital.

21 10. On or about April 6, 2007, without proper consultation and physical examination,
22 Respondent initiated a surgical procedure making a vertical incision through the skin and
23 along the hernia. Upon dissection, Respondent located and opened the hernia sac
24 whereupon he repaired an injured bowel region.

25 11. Because Patient's medical records lack documentation pertaining to Patient's
26 consultation and physical examination prior to operation, Respondent has violated NAC
27 633.350(3)(4) and (5) by "not generating or creating medical records relating to the diagnosis,
28 treatment and care of a patient."

1 malpractice, all inclusive, of this Complaint are incorporated herein by reference, as though
2 each such allegation was more specifically set forth in full herein.

3 18. With respect to Respondent's failure to administer antibiotics to Patient,
4 Respondent has failed to exhibit the professional competency required of an osteopathic
5 physician and has failed to safely and skillfully practice osteopathic medicine in this
6 community. NRS 633.111.

7 19. More specifically, Respondent's failure to implement a well established
8 precautionary measure accepted by osteopathic physicians in the community demonstrates
9 Respondent's "apparent lack of knowledge and/or training" pursuant to NRS 633.111(1).

10 V.

11 **SUMMARY SUSPENSION**

12 20. The allegations set forth in paragraphs 1 through 19 of the foregoing complaint are
13 incorporated herein as if they were repeated more fully in this Section.

14 21. That the public health, safety, and welfare imperatively require action and
15 summary suspension of Respondent's license to practice medicine in the state of Nevada
16 pending a hearing on the Complaint. That the continuing practice of medicine or the
17 continuing ability to practice medicine by Respondent during the pendency of the time
18 necessary for a hearing on this Complaint would endanger the health, safety, and welfare of
19 his patients.

20 VI.

21 **PATTERN OF UNETHICAL & UNPROFESSIONAL CONDUCT WHICH**
22 **CONSTITUTES AN UNFITNESS TO PRACTICE MEDICINE**

23 22. The allegations set forth in paragraphs 1 through 21, inclusive, of the foregoing
24 complaint are incorporated herein as if they were more fully set forth in this count.

25 23. That the Respondent has engaged in a pattern of unethical and unprofessional
26 conduct. That, taken as a whole, Respondent's conduct constitutes a pattern of conduct
27 which renders Respondent unfit to practice Osteopathic medicine.

28

VII.

PRAYER

WHEREFORE, the Investigative Member of the Board of Osteopathic Medicine prays as follows:

1. That the Nevada State Board of Osteopathic Medicine schedule a hearing pursuant to the Board's authority found in NRS and NAC chapters 633, as well as NRS chapter 233B, NRS chapter 622, and NRS chapter 622A, and affirmatively find that the public health, safety, and welfare require action against Respondent, Ming-Wei Wu, and his license to practice Osteopathic Medicine in the State of Nevada;

2. That, pursuant to NRS 633.651, Respondent, Ming-Wei Wu, D.O., be publicly reprimanded and/or the license of said Respondent be revoked, suspended, limited, or placed on probation with conditions and terms as the Nevada State Board of Osteopathic Medicine may deem just and proper and which are not inconsistent with law;

3. That Respondent Ming-Wei Wu, D.O., be ordered to pay reasonable attorney's fees and costs of the investigation and the administrative and disciplinary proceedings;

4. That the Board immediately conduct a summary suspension hearing concerning Respondents and summarily suspend his license to practice osteopathic medicine in the State of Nevada until a formal administrative hearing can be held; and

5. For such other and further relief that the Board deems appropriate.

DATED this 3 day of March, 2009.

NEVADA STATE BOARD OF
OSEOPATHIC MEDICINE

By: 

DANIEL CURTIS, D.O.,
Investigating Member of the
Nevada Board of Osteopathic Medicine

CATHERINE COREZ MASTO
Attorney General

By: 

Dianna Hegeduis, # 5616
Sr. Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

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BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF THE COMPLAINT
AGAINST
MING-WEI WU, D.O.,
RESPONDENT.

NV STATE BOARD OF
OSTEOPATHIC MEDICINE
Case No.: AD0903020
Filed: APR 09 2009

By *Baha B*
For Executive Director

FILED

NOTICE OF DISMISSAL OF COMPLAINT

PLEASE TAKE NOTICE that the complaint in this matter is DISMISSED, with prejudice, with each party to bear their own fees and costs. Although this matter had been scheduled for hearing, no answer has been filed to date by the Respondent in this matter.

DATED this 6 day of April, 2009.

NEVADA STATE BOARD OF
OSEOPATHIC MEDICINE
By: *Lisa Miller Roche*
LISA MILLER ROCHE,
Investigating Member of the
Nevada Board of Osteopathic Medicine

Submitted by:
CATHERINE COREZ MASTO
Attorney General
By: *Dianna Hegeduis*
Dianna Hegeduis, #5616
Sr. Deputy Attorney General
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101
Attorneys for the Board / IBM