

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

IN THE MATTER OF THE COMPLAINT

AGAINST

MING-WEI WU, D.O.,

RESPONDENT.

Case No. **NV STATE BOARD OF OSTEOPATHIC MEDICINE 16-2703819**

Filed: **MAR 04 2009**

By *[Signature]* **FILED**
Executive Director

COMPLAINT

Pursuant to the provisions of Chapter 633 of the Nevada Revised Statutes, and by virtue of the authority vested in it by said chapter, the Investigative Board Member of the Nevada State Board of Osteopathic Medicine ("Board"), having a reasonable basis to believe that MING-WEI WU, D.O., hereinafter referred to as "Respondent" or "Dr. Wu," 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.

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

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

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

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1 12. Because of Respondent's failure to monitor, diagnose, treat and/or assess Patient
2 A's condition, and implement appropriate and established medical procedures with respect to
3 the treatment of Patient A, Respondent has violated NRS 633.111, professional
4 incompetence, and in particular Subsection 1 thereof, i.e., apparent lack of knowledge and/or
5 training.

6 **III.**

7 **UNPROFESSIONAL CONDUCT**

8 13. The allegations contained in paragraphs 1 through 7 of Section I, General
9 Allegations, and Paragraphs 8 through 12, Count I pertaining to Patient A's care and
10 treatment, inclusive, of this Complaint are incorporated herein by reference, as though each
11 such allegation was more specifically set forth in full herein.

12 14. With respect to the treatment rendered by Respondent to Patient A, said
13 Respondent has failed to exhibit the professional competency required of an osteopathic
14 physician and has failed to safely and skillfully practice osteopathic medicine in this
15 community. NRS 633.111.

16 15. Pursuant to NRS 633.131(1)(f), discipline is warranted as the medical care
17 rendered to Patient A by Dr. Wu did not rise to the appropriate standard and/or established
18 medical procedures, and such medical practice was harmful and detrimental to the public and
19 its safety, especially to Patient A.

20 **IV.**

21 **UNETHICAL CONDUCT**

22 16. The allegations contained in paragraphs 1 through 7 of Section I, General
23 Allegations; Paragraphs 8 through 12 of Count I pertaining to Patient A's care and treatment;
24 and Paragraphs 13 through 15 of Count III, Unprofessional Conduct, all inclusive, of this
25 Complaint are incorporated herein by reference, as though each such allegation was more
26 specifically set forth in full herein.

27 17. With respect to the treatment rendered to Patient A by Respondent, Respondent
28 has engaged in conduct that constitutes an unfitness to practice osteopathic medicine in this

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1 community. NAC 633.350(9).

2 **V.**

3 **SUMMARY SUSPENSION**

4 18. The allegations set forth in paragraphs 1 through 17 of the foregoing complaint are
5 incorporated herein as if they were repeated more fully in this Section.

6 19. That the public health, safety, and welfare imperatively require action and
7 summary suspension of Respondent's license to practice medicine in the state of Nevada
8 pending a hearing on the Complaint. That the continuing practice of medicine or the
9 continuing ability to practice medicine by Respondent during the pendency of the time
10 necessary for a hearing on this Complaint would endanger the health, safety, and welfare of
11 his patients.

12 **VI.**

13 **PATTERN OF UNETHICAL & UNPROFESSIONAL CONDUCT WHICH**
14 **CONSTITUTES AN UNFITNESS TO PRACTICE MEDICINE**

15 20. The allegations set forth in paragraphs 1 through 19, inclusive, of the foregoing
16 complaint are incorporated herein as if they were more fully set forth in this count.

17 21. That the Respondent has engaged in a pattern of unethical and unprofessional
18 conduct. That, taken as a whole, Respondent's conduct constitutes a pattern of conduct
19 which renders Respondent unfit to practice Osteopathic medicine.

20 **VII.**

21 **PRAYER**

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

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

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

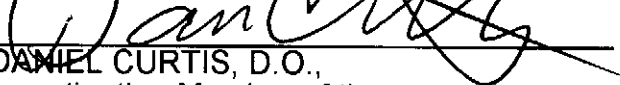
5 3. That Respondent Ming-Wei Wu, D.O., be ordered to pay reasonable attorney's fees
6 and costs of the investigation and the administrative and disciplinary proceedings;

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

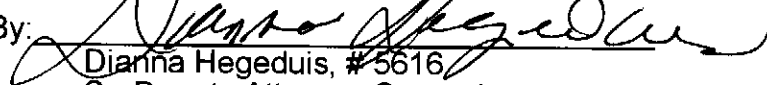
10 5. For such other and further relief that the Board deems appropriate under the
11 circumstances of this case.

12 DATED this 3 day of March, 2009.

13 NEVADA STATE BOARD OF
14 OSEOPATHIC MEDICINE

15 By: 
16 DANIEL CURTIS, D.O.,
17 Investigating Member of the
18 Nevada Board of Osteopathic Medicine

18 Submitted by:
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20 Attorney General

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