

1 **BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**

2
3 IN THE MATTER OF THE COMPLAINT

4 AGAINST

5 JIM Y. WANG, D.O.

6 RESPONDENT.

Case No.: AD-05-29-907

Filed:


Executive Director

RECEIVED

FEB 09 2006

NV STATE BOARD OF
OSTEOPATHIC MEDICINE

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11 **SETTLEMENT AGREEMENT AND ORDER**

12 The parties to the above-entitled action, the Nevada State Board of Osteopathic
13 Medicine (hereinafter, the "BOARD") and JIM Y. WANG, D.O. (hereinafter, "RESPONDENT")
14 hereby agree to resolve the instant Complaint pursuant to the following stipulations:

15 1. RESPONDENT, JIM Y. WANG, D.O., at all times relevant hereto was licensed
16 by the BOARD to practice medicine in the State of Nevada and the BOARD has jurisdiction
17 over RESPONDENT'S license to practice medicine by virtue of his licensure.

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19 2. On or about September 6, 2005, the instant Complaint was filed against
20 RESPONDENT alleging six (6) counts of violations of NRS 633.131(f) for failure to document
21 his prescription of Oxycontin (a Schedule II narcotic) for six (6) patients or notate in their
22 medical records the factual justification for these prescriptions, six (6) counts of violations of
23 NRS 633.131(f)(1) for excessive prescription of Oxycontin for six (6) patients, six (6) counts of
24 violations of NRS 633.131(f)(2) for administering Oxycontin to six (6) patients without
25 justification and, thereby posing a threat to the public health, and one (1) count of violation of
26 NAC 633.350(9) for engaging in a pattern of conduct which demonstrates RESPONDENT'S
27 unfitness to practice osteopathic medicine.
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Attorney General's Office
555 E. Washington, Suite 3900
Las Vegas, NV 89101

1 3. On or about September 7, 2005, a First Amended Complaint was filed
2 containing identical content to the original Complaint described herein, but correcting certain
3 erroneous exhibit references in its text. Additionally, on or about September 7, 2005, a
4 Request for Emergency Order of Summary Suspension was filed, whereby summary
5 suspension of RESPONDENT'S license to practice Osteopathic Medicine was sought
6 pursuant to NRS 633.591 since the allegations raised in the First Amended Complaint
7 represented a real and significant threat to the public health, safety and welfare. After
8 considering this Request, the BOARD then issued an Emergency Order of Summary
9 Suspension that same day.
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11 4. On or about September 8, 2005, the First Amended Complaint and Emergency
12 Order of Summary Suspension were served upon RESPONDENT.

13 5. On or about October 7, 2005, RESPONDENT was served with Notice of Hearing
14 as to the allegations within the First Amended Complaint referenced herein.

15 6. RESPONDENT is aware of his rights under Chapters 633 and 233B of the
16 Nevada Revised Statutes, including his right to a formal hearing and opportunity to defend
17 against the charges contained therein, the right to confront and cross-examine witnesses
18 against him, and the right to file a Petition for Judicial Review with the District Court in the
19 State of Nevada for a review of any adverse decision that might be rendered following a
20 hearing and subsequent appeals therefrom.
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22 7. RESPONDENT understands that the BOARD is prepared to proceed to hearing
23 on the merits of the First Amended Complaint at its earliest opportunity.

24 8. RESPONDENT understands that if the BOARD hears the First Amended
25 Complaint and finds that a violation has occurred, the BOARD may order any or all of the
26 sanctions be imposed against him as set out in NRS 633.651, including revocation of
27 RESPONDENT'S license to practice osteopathic medicine and the imposition of discipline
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1 against him in accordance therewith.

2 9. RESPONDENT for himself, his heirs, executors, administrators, successors and
3 assigns, hereby releases, remises and forever discharges the State of Nevada, the BOARD,
4 the Nevada Department of Justice / Office of the Attorney General and each of their members,
5 agents and employees in their individual and representative capacities from any and all
6 manner of actions, causes of actions, suits, debts, judgments, executions, claims and
7 demands whatsoever known or unknown, in law and equity, that RESPONDENT here had,
8 now has, may have or claim to have against any and all persons or entities named in this
9 paragraph arising out of, or by reason of, these matters or any other matter relating thereto.
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11 10. In order to resolve this matter, RESPONDENT is entering into this Settlement
12 Agreement and is waiving formal findings of fact and conclusions of law pursuant to the
13 provisions of NRS 233B.121(5). RESPONDENT acknowledges that the allegations constitute
14 grounds for disciplinary actions under Chapter 633 of the Nevada Revised Statutes.

15 11. RESPONDENT has reviewed the allegations and causes of action contained
16 within the First Amended Complaint. RESPONDENT contends he can offer reasonable
17 explanations for the conduct described therein, and further contends that these reasonable
18 explanations could have the effect of diminishing his culpability for said conduct.
19 Nevertheless, RESPONDENT accepts responsibility for his actions as available evidence
20 suggests the possible violation of NRS 633.131 as contained within the First Amended
21 Complaint.
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23 12. In exchange for the dismissal of these Counts and complete reinstatement of
24 RESPONDENT'S license to practice osteopathic medicine and all privileges thereunder,
25 RESPONDENT agrees to the following terms and conditions:
26

27 a. RESPONDENT agrees that his license to practice osteopathic medicine
28 will be deemed conditional for a period of two (2) years from the date of approval of this

1 Settlement Agreement by the BOARD.

2 b. RESPONDENT agrees that he will attend a course in the management of
3 controlled substances on a date and at a time in reasonable proximity to the date of approval
4 of this Settlement Agreement by the BOARD. If this Settlement Agreement is approved by the
5 BOARD, the RESPONDENT may select from among the following available courses in the
6 management of controlled substances:

7 1) "Prescribing Controlled Drugs, Critical Issues and Common
8 Pitfalls", Center for Professional Health at Vanderbilt University Medical Center, Nashville, TN,
9 (615) 936-0678;

10 2) "Responsible Drug Prescribing", PACE Program, University of
11 California, San Diego, San Diego California, (619) 543-6770 or (858) 534-3940;

12 3) "Mini-Residency in Proper Prescribing of Controlled Substances"
13 facility, New Jersey Board of Medical Examiners, (609) 795-0026;

14 4) "Mini-Residency in Proper Prescribing of Controlled Dangerous
15 Substances", Forensic and Educational Consultants and Kennedy Memorial Hospital, New
16 Jersey, (609) 822-3317, or (609) 332-3344 or (941) 387-8110.
17

18 c. In any case, RESPONDENT will attend a course of his choosing no later
19 than six (6) months following the date of approval of this Settlement Agreement by the
20 BOARD. Upon completion of this course, RESPONDENT will provide written proof of his
21 matriculation to the BOARD for review at its next monthly meeting. All costs of attendance,
22 enrollment, and completion of the program RESPONDENT ultimately attends shall be borne
23 by RESPONDENT. No other courses can be substituted for those listed herein without
24 amendment of this Settlement Agreement and Order and approval by the Board.
25

26 d. RESPONDENT further agrees that, for a period of two (2) years from the
27 date of approval of this Settlement Agreement by the BOARD, his patient files and
28

1 prescription reports will be subject to random, discretely conducted audits by designated
2 representatives of the BOARD on a maximum of three (3) occasions per year.

3 e. RESPONDENT further agrees that, for a period of two (2) years from the
4 date of approval of this Settlement Agreement by the BOARD, he will not prescribe any
5 controlled substances as set forth in Chapter 453 of the Nevada Administrative Code, subject
6 to the following exception:

7 1) RESPONDENT may prescribe any of the following controlled
8 substances, subject to the audit provisions specified above:

- 9 a) Lortab #5
- 10 b) Vicodin
- 11 c) Tylenol #3 with Codeine
- 12 d) Darvocet

13 f. RESPONDENT further agrees to pay the sum of \$10,000, representing
14 the fees and administrative costs of the BOARD, its counsel, and staff, within six (6) months of
15 the effective date of the Order approving this Settlement Agreement.

16 g. RESPONDENT further agrees that his license to practice osteopathic
17 medicine is subject to immediate revocation by the BOARD in the event that RESPONDENT
18 is found to be in violation of the terms and conditions set forth herein.

19 13. This Settlement Agreement will be considered by the Board at a Special Meeting
20 of the BOARD on February 9, 2006. In the event that the BOARD rejects this Settlement
21 Agreement, the First Amended Complaint pending against RESPONDENT, Case No. AD-05-
22 29-907, will proceed to hearing at a later date. Through this Settlement Agreement,
23 RESPONDENT specifically waives the requirements of NAC 633.450(4), which requires that a
24 Hearing occur within sixty (60) days of RESPONDENT'S summary suspension of this Board.
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1 14. In the event that the BOARD rejects this Settlement Agreement, this Agreement
2 and all statements contained therein shall be null and void and inadmissible in any proceeding
3 and the parties agree not to contend that the BOARD has been prejudiced or biased in any
4 manner by consideration of this attempted resolution.

5 15. The parties agree that the counsel for the Investigating Board Member in this
6 matter may appear before the BOARD, in open or closed session, outside the presence of
7 RESPONDENT or his counsel, for the purposes of speaking in support of this agreement and
8 answering questions that the members of the BOARD and its staff may have in connection
9 with their deliberations on this matter.
10

11 WHEREFORE, it is agreed that the Nevada State Board of Osteopathic Medicine,
12 without necessity of formal findings of fact and conclusions of law, which were specifically
13 waived by RESPONDENT and the BOARD, may issue the following ORDER:

14 1. That this case shall be settled and RESPONDENT receive complete
15 reinstatement of his license to practice osteopathic medicine and all privileges thereunder,
16 upon the following terms and conditions:

17 a. JIM Y. WANG hereby agrees that his license to practice osteopathic
18 medicine will be deemed conditional for a period of two (2) years from the date of approval of
19 this Settlement Agreement by the BOARD.
20

21 b. JIM Y. WANG hereby agrees that he will attend a course in the
22 management of controlled substances on a date and at a time in reasonable proximity to the
23 date of approval of this Settlement Agreement by the BOARD. If this Settlement Agreement is
24 approved by the BOARD, WANG may select from among the following available courses in
25 the management of controlled substances:

26 1) "Prescribing Controlled Drugs, Critical Issues and Common
27 Pitfalls", Center for Professional Health at Vanderbilt University Medical Center, Nashville, TN,
28

1 (615) 936-0678;

2 2) "Responsible Drug Prescribing", PACE Program, University of
3 California, San Diego, San Diego California, (619) 543-6770 or (858) 534-3940;

4 3) "Mini-Residency in Proper Prescribing of Controlled Substances"
5 facility, New Jersey Board of Medical Examiners, (609) 795-0026;

6 4) "Mini-Residency in Proper Prescribing of Controlled Dangerous
7 Substances", Forensic and Educational Consultants and Kennedy Memorial Hospital, New
8 Jersey, (609) 822-3317, or (609) 332-3344 or (941) 387-8110.

9
10 c. In any case, JIM Y. WANG hereby agrees to attend a course of his
11 choosing no later than six (6) months following the date of approval of this Settlement
12 Agreement by the BOARD. Upon completion of this course, JIM Y. WANG agrees to provide
13 written proof of his matriculation to the BOARD for review at its next monthly meeting. JIM Y.
14 WANG further agrees that he will pay for any and all costs of attendance, enrollment, and
15 completion of the program. JIM Y. WANG further understands that no other courses can be
16 substituted for those listed herein without amendment of this Settlement Agreement and Order
17 and approval by the BOARD.

18
19 d. JIM Y. WANG further agrees that, for a period of two (2) years from the
20 date of approval of this Settlement Agreement by the BOARD, his patient files and
21 prescription reports will be subject to random, discretely conducted audits by designated
22 representatives of the BOARD on a maximum of three (3) occasions per year.

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24 date of approval of this Settlement Agreement by the BOARD, he will not prescribe any
25 controlled substances as set forth in Chapter 453 of the Nevada Administrative Code, subject
26 to the following exception:
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28 ////

1 1) JIM Y. WANG may prescribe any of the following controlled
2 substances, subject to the audit provisions specified above:

- 3 a) Lortab #5
- 4 b) Vicodin
- 5 c) Tylenol #3 with Codeine
- 6 d) Darvocet

7
8 f. JIM Y. WANG further agrees to pay all fees and administrative costs of
9 the BOARD, its counsel, and staff in the amount of \$10,000.00, within six (6) months of the
10 effective date of the Order approving this Settlement Agreement.

11 g. JIM Y. WANG further agrees that his license to practice osteopathic
12 medicine is subject to immediate revocation by the BOARD in the event that he is found to be
13 in violation of the terms and conditions set forth herein.

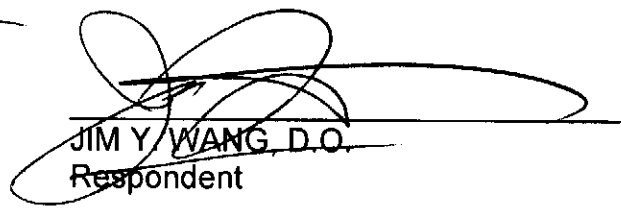
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Dated this 9 day of February, 2006.

Nevada Board of Osteopathic Medicine

By: 

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



JIM Y. WANG, D.O.
Respondent

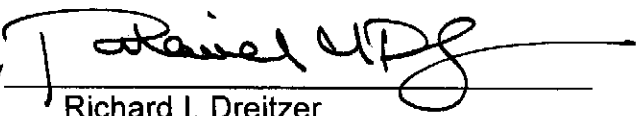
Approved and Submitted by:

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Las Vegas, Nevada 89101
(702) 486-3165

IT IS SO ORDERED.

DATED this 9TH day of February, 2006.

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

BY: 

RUDY MANTHEI, CHAIRMAN