

ORIGINAL

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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2
3 In the Matter of the Charges and)
4 Complaint Against:)
5 **HARRISTON L. BASS, JR., M.D.,**)
6 Respondent.)
7 _____)

Case No. 08-9455-1
FILED 2/24/09
Angela J. Danahoe
CLERK OF THE BOARD

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

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10 The above-entitled matter came on regularly for decision before the Nevada State
11 Board of Medical Examiners, hereinafter "Board," on Friday, February 6, 2009, at the Board's
12 Office located at 1105 Terminal Way, Suite 301, Reno, Nevada 89502, on the Complaint filed
13 herein. Respondent, HARRISTON L. BASS, JR., M.D., hereinafter "Respondent," was not
14 present at the meeting.

15 The Members of the Board participating in the decision were: Javid Anwar, M.D.;
16 Sohail Anjum, M.D.; Van V. Heffner; S. Daniel McBride, M.D; Beverly Neyland, M.D.,
17 Benjamin J. Rodriguez, M.D. and Renee West. All other remaining members of the Board,
18 being members of the Investigative Committee which issued the complaint in this matter,
19 were excused from participating and took no part in the proceedings of the Board. Christine
20 M. Guerri-Nyhus, Chief Deputy Attorney General, acted as legal counsel to the Board.

21 The Board having received and read the complaint and exhibits offered in this matter
22 and having reviewed and read all of the above, proceeded to make a decision pursuant to the
23 provisions of NRS chapter 233B and NRS 630.352.

24 The Board after due consideration of the record, evidence and law, and being fully
25 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
26 ORDER in this matter as follows:
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1 **FINDINGS OF FACT**

2 I.

3 Respondent held a license to practice medicine in the State of Nevada at all relevant
4 times.

5 II.

6 A complaint was filed by the Investigative Committee against Respondent in June of
7 2008 alleging violations of Chapter 630 of the Nevada Revised Statutes.

8 III.

9 The complaint alleged that on or about December 19, 2006, a multiple-count criminal
10 complaint was filed in Las Vegas Justice Court against Respondent charging Respondent
11 with various criminal conduct, including Sale of a Controlled Substance Causing Death, a
12 Category A Felony, Sale of a Controlled Substance, a Category C Felony, Unlawful
13 Possession for Sale of Substances Classified in Schedule III, a Category D Felony, and
14 Unlawful Possession for Sale of Substances Classified in Schedule IV, a Category D Felony.
15 On or about January 18, 2007, Respondent was arraigned in the Clark County District Court
16 to address the aforementioned criminal charges. Respondent plead not guilty to all criminal
17 counts and the matter was set for trial thereafter. The criminal trial against Respondent
18 began on February 25, 2008 and concluded on March 5, 2008, with a jury finding Respondent
19 guilty of one count of Sale of a Controlled Substance Causing Death (Second Degree
20 Murder), a Category A Felony, forty-nine counts of Sale of a Controlled Substance, all
21 Category C Felonies, and six counts of Possession of a Controlled Substance for the Purpose
22 of Sale, all Category D Felonies. On or about April 22, 2008, Respondent was sentenced for
23 conviction of the criminal counts specified in paragraph 4. Thereafter, on or about May 6,
24 2008, a Judgment of Conviction related to the criminal sentencing was filed with the Clark
County District Court.

25 IV.

26 The complaint in Count I alleged that Respondent violated NRS 630.301(11)(a) when
27 he was convicted of one count of Sale of a Controlled Substance Causing Death.

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V.

The complaint in Count II alleged that the Respondent violated NRS 630.301(11)(f) when he was convicted of forty-nine counts of Sale of a Controlled Substance and six counts of Possession of a Controlled Substance for the Purpose of Sale.

VI.

The Board finds that Respondent violated 630.301(11)(a) as set forth in count I of the Complaint when he was convicted of one count of Sale of a Controlled Substance Causing Death.

VII.

The Board further finds that Respondent violated 630.301(11)(f) as set forth in count II of the Complaint when he was convicted of forty-nine counts of Sale of a Controlled Substance and six counts of Possession of a Controlled Substance for the Purpose of Sale.

VIII.

The Board finds by a preponderance of the evidence, that Respondent's conduct is a violation of NRS Chapter 630 and discipline is warranted.

IX.

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

CONCLUSIONS OF LAW

I.

The Board has jurisdiction over Respondent.

II.

Respondent was properly served with notice of the hearing before the Hearing Officer, pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.

III.

The Board concludes that as a result of Respondent's convictions of one count of Sale of a Controlled Substance Causing Death (Second Degree Murder), a Category A Felony,

1 forty-nine counts of Sale of a Controlled Substance, all Category C Felonies, and six counts
2 of Possession of a Controlled Substance for the Purpose of Sale, all Category D Felonies;
3 Respondent has violated NRS 630.301(11)(a) and NRS 630.301(11)(f) and thus Respondent
4 is subject to discipline.

5 IV.

6 If any of the foregoing Conclusions of Law is more properly deemed a Findings of Fact,
7 it may be so construed.

8 **ORDER**

9 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
10 appearing therefore,

11 IT IS HEREBY ORDERED that:

- 12 1. Respondent has violated NRS Chapter 630 and that discipline is warranted;
- 13 2. Respondent's license as a physician in the State of Nevada is hereby revoked;
- 14 3. Respondent shall reimburse the Board all costs and fees incurred in the
15 investigation and prosecution of this case within one year from the date of
16 service of this Order. The total costs and fees incurred are Fifty One Thousand
17 Seven Hundred Nineteen Dollars and forty six cents (\$51,719.46); and
- 18 4. Respondent shall pay a fine in the amount of Ten Thousand Dollars
19 (\$10,000.00) within one year from the date of service of this Order.


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21 DATED this 24th day of February 2009.

22 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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25 By:


26 CHARLES N. HELD, M.D., President

1 Submitted by:
2 CATHERINE CORTEZ MASTO
3 Attorney General

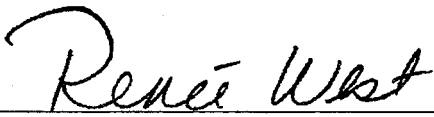
4 By: 
5 CHRISTINE M. GUERCI-NYHUS
6 Chief Deputy Attorney General
7 555 East Washington, # 3900
8 Las Vegas, Nevada 89101
9 Attorneys for Nevada State Board of Medical Examiners

10 **CERTIFICATION**

11 I hereby certify that the foregoing is the full and true original FINDINGS OF FACT,
12 CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical
13 Examiners in the matter of HARRISTON L. BASS, JR., M.D., Case No. 08-9455-1.

14 I further certify that CHARLES N. HELD, M.D., is the President of the Nevada State
15 Board of Medical Examiners and that full force and credit is due to his official acts as such;
16 and that the signature to the foregoing ORDER is the signature of said CHARLES N. HELD,
17 M.D.

18 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
19 Secretary-Treasurer of the Nevada State Board of Medical Examiners.

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22 _____
23 RENEÉ WEST
24 Secretary-Treasurer
25 Nevada State Board of Medical Examiners
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