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BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA * * * * * *

In The Matter of Charges and

Complaint Against

ANTHONY CRUZ, C.R.T.,

Respondent.

Respondent.

Nevada STATE BOARD OF MEDICAL EXAMINERS

By:

FIRST AMENDED COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Charles N. Held, M.D., Theodore Berndt, M.D. and Ms. Valerie Clark, BSN, RHU, LUTCF, having a reasonable basis to believe that Anthony Cruz, C.R.T., hereinafter referred to as Mr. Cruz, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Mr. Cruz is licensed to practice respiratory care in the state of Nevada (License No. RC598), and was originally licensed on December 31, 2001 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. On August 3, 2010 Mr. Cruz was working at Summerlin Hospital and was reported to be exhibiting signs of impairment. Mr. Cruz was requested to submit to a ten-panel urine drug screen and he agreed to do so.
- 3. Results of the drug screen were forwarded to Summerlin Hospital a few days later and showed that Mr. Cruz was positive for methamphetamine at the time of the test.
 - 4. On August 9, 2010, Mr. Cruz was terminated from Summerlin Hospital.

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- 5. On August 19, 2010, the Investigative Committee of the Nevada State Board of Medical Examiners issued its Order summarily suspending the license to practice respiratory care of Mr. Cruz pursuant to NRS 630.326(1).
- 6. The license to practice respiratory care of Mr. Cruz remains suspended at the time of the filing of this Complaint.

Count I

- 7. NAC 630.540(9) provides that rendering respiratory care to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition is grounds for the initiation of a disciplinary action against a respiratory therapist.
- 8. Mr. Cruz exhibited signs of impairment and subsequent to urine drug test was found to have been under the influence of methamphetamine while at work at Summerlin hospital where he provided respiratory care to patients on August 3, 2010.
- 9. By reason of the foregoing, Mr. Cruz is subject to discipline by the Nevada State Board of Medical Examiners as provided in NAC 630.555.

Count II

- 10. NAC 630.540(23) provides that violation of a provision of NRS 630.301 through NRS 630.3065 is grounds for the initiation of a disciplinary action against a respiratory therapist.
- 11. NRS 630.306(1) provides that inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, narcotics or any other substance is grounds for initiating discipline against a licensee.
- 12. Mr. Cruz was found to have been under the influence of methamphetamine, an illegal drug while at work at Summerlin Hospital and therefore was unable to practice respiratory care with reasonable skill and safety due to said drug usage.
- 13. By reason of the foregoing, Mr. Cruz is subject to discipline by the Nevada State Board of Medical Examiners as provided in NAC 630.555.

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Count III

- 14. NAC 630.540(1) provides that willfully and intentionally making a false or fraudulent statement when applying for or renewing a license is grounds for the initiation of disciplinary action against a respiratory therapist.
- 15. Mr. Cruz was arrested in 1994 for domestic battery but failed to disclose the arrest when he applied for licensure in 2001 and failed to disclose on any subsequent renewal applications.
- 16. Mr. Cruz was arrested in 2005 for a misdemeanor DUI but failed to disclose the arrest on his 2006 renewal application or any subsequent renewal applications.
- 17. By reason of the foregoing, Mr. Cruz is subject to discipline by the Nevada State Board of Medical Examiners as provided in NAC 630.555.

WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Mr. Cruz notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Mr. Cruz; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Mr. Cruz its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

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5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises. DATED thisday of January, 2011.
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS Lyn E. Beggs, Eq. General Counsel and Attorney for the Investigative Committee
VERIFICATION
STATE OF NEVADA) : ss.
COUNTY OF DOUGLAS)
CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
Board of Medical Examiners that authorized the complaint against the Respondent herein; that he
has read the foregoing Complaint; and that based upon information discovered in the course of the
investigation into a complaint against Respondent, he believes that the allegations and charges in

the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this // day of JAnnan, 2011.

CHARLES N. HELD, M.D.

OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 11th day of January 2011; I served a file copy of the Amended Complaint, Settlement, Waiver & Consent Agreement, by mailing via Fed-Ex Priority Overnight to the following:

Anthony Cruz, C.R.T. 2300 E. Silverado Ranch Blvd., #1014 Las Vegas, NV 89183

Dated this 11th day of January 2011.

Angelia L. Donohoe Legal Assistant