

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


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

* * * * *

In The Matter of Charges and)
)
Complaint Against)
)
NORMA JEANNE McCULLOUGH, C.R.T.,)
)
Respondent.)

Case No. 12-24176-1

FILED
JUL - 9 2012
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), comprised of, at the time of authorizing the filing of this Complaint, Benjamin J. Rodriguez, M.D., Chairman, Beverly A. Neyland, M.D., Member, Donna A. Ruthe, Member, by and through its counsel, Bradley O. Van Ry, Esq., Board Deputy General Counsel, having a reasonable basis to believe that Norma Jeanne McCullough, C.R.T., hereinafter referred to as "Respondent," has violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630, hereby issues its formal Complaint, stating the IC's charges and allegations, as follows:

1. Respondent is currently licensed in active status (License No. RC498), and she has been so licensed since December 26, 2001, by the Nevada State Board of Medical Examiners pursuant to the provisions of NRS 630.

2. Respondent was employed as a respiratory therapist at University Medical Center "UMC" in Las Vegas, Nevada until November, 2011. A UMC investigation uncovered that beginning sometime in 2006, Respondent documented treatments in the medical record that she did not actually provide to the patients. Respondent documented therapy given by her, billed for the therapy, but then failed to remove the prescribed medication from the drug repository to

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1 administer to the patients. Thus, Respondent left the patients without the therapy and treatments
2 that she documented and billed.

3 3. This behavior continued up through 2011, when Respondent's misconduct was
4 discovered by UMC. Two hundred seven (207) patients over the six (6)-year period from 2006
5 through 2011 were documented to have not received the billed therapy and medications.

6 4. On or about November 3, 2011, Respondent's employment was terminated by
7 UMC based upon her admissions of the misconduct.

8 **Count I**

9 5. All of the allegations contained in the above paragraphs are hereby incorporated by
10 reference as though fully set forth herein.

11 6. NAC 630.540(23) provides that a practitioner of respiratory care is subject to
12 discipline if he/she has violated any provision that would subject a practitioner of medicine to
13 discipline pursuant to NRS 630.301 to 630.3065, inclusive.

14 7. NRS 630.305(1)(d) provides that charging for visits that did not occur or for
15 services which were not rendered or documented in the records of a patient is grounds for
16 initiating disciplinary action against a licensee.

17 8. Respondent's care and treatment of two hundred seven (207) patients over the
18 course of six (6) years as described above demonstrates multiple occasions of charging for services
19 that were not rendered.

20 9. By reason of the foregoing, Respondent is subject to discipline by the
21 Nevada State Board of Medical Examiners as provided in NRS 630.352.

22 **Count II**

23 10. All of the allegations contained in the above paragraphs are hereby incorporated by
24 reference as though fully set forth herein.

25 11. NAC 630.540(23) provides that a practitioner of respiratory care is subject to
26 discipline if he/she has violated any provision that would subject a practitioner of medicine to
27 discipline pursuant to NRS 630.301 to 630.3065, inclusive.

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1 21. Respondent's care and treatment of two hundred seven (207) patients over the
2 course of six (6) years as described above demonstrates multiple occasions of violating the trust of
3 a patient and exploiting that relationship for financial or other personal gain.

4 22. By reason of the foregoing, Respondent is subject to discipline by the
5 Nevada State Board of Medical Examiners as provided in NRS 630.352.

6 **Count V**

7 23. All of the allegations contained in the above paragraphs are hereby incorporated by
8 reference as though fully set forth herein.

9 24. NAC 630.540(16) provides that the engaging in conduct which brings the
10 respiratory care profession into disrepute is grounds for initiating disciplinary action against a
11 licensee.

12 25. Respondent's care and treatment of two hundred seven (207) patients over the
13 course of six (6) years as described above demonstrates multiple occasions of conduct which bring
14 the respiratory care profession into disrepute.

15 26. By reason of the foregoing, Respondent is subject to discipline by the
16 Nevada State Board of Medical Examiners as provided in NRS 630.352.

17 **WHEREFORE**, the Investigative Committee prays:

18 1. That the Nevada State Board of Medical Examiners give Respondent notice of the
19 charges herein against her and give her notice that she may file an answer to the
20 formal Complaint herein as set forth in NRS 630.339 and NAC 630.545 within twenty (20) days
21 of service of the formal Complaint;

22 2. That the Nevada State Board of Medical Examiners set a time and place for a
23 formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

24 3. That the Nevada State Board of Medical Examiners determine what sanctions it
25 will impose if it determines there has been a violation or violations of the
26 Medical Practice Act (NRS Chapter 630 and NAC 630) committed by Respondent;

27 4. That the Nevada State Board of Medical Examiners make, issue and serve on

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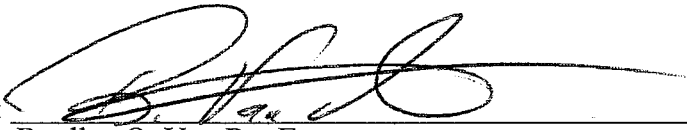
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Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and

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 this 9th day of July, 2012.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

Bradley O. Van Ry, Esq.
Deputy General Counsel
Attorney for the Investigative Committee

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VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Benjamin J. Rodriguez, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the formal Complaint against the Respondent herein; that he has read the foregoing formal Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing formal Complaint against Respondent are true, accurate and correct.

Dated this 9th day of July, 2012.



BENJAMIN J. RODRIGUEZ, M.D.


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CERTIFICATE OF SERVICE

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 9th day of July 2012; I served a filed copy of the Complaint & Fingerprint information via USPS e-certified mail return receipt to the following:

Norma McCullough, CRT
777 Quartz PMB #7701
Sandy Valley, NV 89019

Dated this 9th day of July 2012.



Angelia L. Donohoe
Legal Assistant