

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

3 * * * *

4
5 **In the Matter of Charges and**)
6)
7 **Complaint Against**)
8)
9 **CHARLES E. GRAHAM, M.D.,**)
10 **Respondent.**)
11)

Case No. 11-7922-1

FILED

MAR 15 2012

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

12 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

13 The above-entitled matter came on regularly for decision before the Nevada State Board of
14 Medical Examiners, hereinafter "Board," on Friday, March 9, 2012, at the Board's offices located
15 at 1105 Terminal Way, Suite 301, Reno, Nevada, and by video conference at the offices of the
16 Nevada State Board of Medical Examiners/Dental Examiners located at 6010 S. Rainbow
17 Boulevard, Building A, Suite 1, Las Vegas, Nevada, on the Complaint filed herein against
18 Respondent Charles E. Graham, M.D., hereinafter "Respondent."

19 The members of the Board participating in the decision were:
20 Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., Ms. Donna A. Ruthe, Mrs. Sue Lowden,
21 Bashir Chowdhry, M.D. and Wayne Hardwick, M.D. Harry B. Ward, Esq., Deputy Attorney
22 General, acted as legal counsel to the Board.

23 The Board, having received and read the Complaint and exhibits admitted in the matter, as
24 well as the Synopsis of Record prepared by the Hearing Officer who presided over the hearing and
25 the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
26 NRS chapters 233B and 630.

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

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held an active license to practice medicine in the state of Nevada from
7 July 1, 1993 until June 30, 2009, when his license to practice medicine was automatically
8 suspended for failure to renew.

9 **II.**

10 On March 10, 2011, the Investigative Committee filed the Complaint in this matter
11 alleging violations of Chapter 630 of the Nevada Revised Statutes.

12 **III.**

13 On November 22, 2011, a formal hearing was held before an appointed hearing officer on
14 the allegations contained within the Complaint. Respondent was not present or represented by
15 counsel at the formal hearing. The Investigative Committee was represented by
16 Edward O. Cousineau, J.D., Deputy Executive Director for the Board.

17 **IV.**

18 Evidence presented at the formal hearing established that Respondent was repeatedly made
19 aware of multiple investigations by the Investigative Committee which related to him and of the
20 need for him to provide a response to the allegations related to these investigations, to include
21 providing medical records associated with the investigations. Further, Respondent was served
22 with two Orders issued by the Investigative Committee to provide the aforementioned materials.
23 The preponderance of evidence in the record as a whole establishes that Respondent willfully
24 failed to comply with the Investigative Committee's Orders.

25 **V.**

26 The Board finds by a preponderance of the evidence that Respondent violated Nevada
27 Revised Statute 630.3065(2)(a) as alleged in the underlying Complaint.

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VI.

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 had jurisdiction over Respondent at the time of the events at issue.

II.

Respondent was properly served with notice of the hearing via certified mail at the address on file with the Board pursuant to NRS and NAC Chapters 630 and NRS Chapter 233B.

III.

The Board concludes that Respondent has violated NRS 630.3065(2)(a) as described above, and accordingly is subject to discipline pursuant to NRS 630.352.

IV.

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

ORDER

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

IT IS HEREBY ORDERED that:

- 1. Respondent shall be issued a public reprimand.
- 2. Respondent is to pay a fine of \$5,000.00
- 3. Respondent shall reimburse the Board the reasonable costs and expenses incurred in

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1 the investigation and prosecution of this case in the amount of \$5,609.48 within six (6) months of the
2 filing of these Findings of Fact, Conclusions of Law and Order.

3 Dated this 15th day of March, 2012.

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6 BENJAMIN J. RODRIGUEZ, M.D., President
7 Nevada State Board of Medical Examiners

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9 **CERTIFICATION**

10 I certify that the foregoing is the full and true original FINDINGS OF FACT,
11 CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners
12 in the matter of Charles E. Graham, M.D., Case No. 11-7922-1.

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

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

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21 VALERIE J. CLARK, BSN, RHU, LUTCF
22 Secretary-Treasurer
23 Nevada State Board of Medical Examiners