

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

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6 **In the Matter of Charges and**)
7 **Complaint Against**)
8 **NORMA JEANNE McCULLOUGH, C.R.T.,**)
9 **Respondent.**)
10 _____)
11)

Case No. 12-24176-1

FILED

MAR 13 2013

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

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

14 The above-entitled matter came on regularly for decision after hearing before the
15 Nevada State Board of Medical Examiners (Board), on Friday, March 8, 2013, at the Board's offices
16 located at 1105 Terminal Way, Suite 301, Reno, Nevada, 89502, and by video conference at the offices
17 of the Board and the Nevada State Board of Dental Examiners located at 6010 S. Rainbow Boulevard,
18 Building A, Suite 1, Las Vegas, Nevada, 89118 on the Complaint filed herein against Norma Jeanne
19 McCullough, C.R.T., hereinafter "Respondent," who was not present at the Board meeting.

20 The members of the Board participating in the decision were:
21 Theodore B. Berndt, M.D., Valerie J. Clark, BSN, RHU, LUTCF, Michael J. Fischer, M.D.,
22 Mrs. Sue Lowden, Bashir Chowdhry, M.D. and Wayne Hardwick, M.D. Harry B. Ward, Esq.,
23 Deputy Attorney General, acted as legal counsel to the Board.

24 The Board, having received and read the Complaint and exhibits admitted in this matter, as well
25 as the Synopsis of Record prepared by the hearing officer who presided over the hearing and the
26 transcript of the hearing held on December 12, 2012, proceeded to make a decision pursuant to the
27 provisions of Nevada Revised Statutes (NRS) Chapters 233B and 630.

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1 On or about November 3, 2011, Respondent's employment was terminated by UMC based upon
2 her admission of the misconduct.

3 **V.**

4 The Board finds by a preponderance of the evidence that Respondent violated
5 NRS 630.305(1)(d) by charging for visits that did not occur or for services which were not rendered or
6 documented in the records of a patient.

7 **VI.**

8 The Board finds by a preponderance of the evidence that Respondent violated NRS 630.3062(1)
9 by failing to maintain timely, legible, accurate and complete medical records relating to the diagnosis,
10 treatment and care of a patient.

11 **VII.**

12 The Board finds by a preponderance of the evidence that Respondent violated NAC 630.540(8)
13 by falsifying the records of health care.

14 **VIII.**

15 The Board finds by a preponderance of the evidence that Respondent violated NAC 630.540(15)
16 by engaging in conduct that violates the trust of a patient and exploits the relationship between the
17 practitioner of respiratory care and the patient for financial or other personal gain.

18 **IX.**

19 The Board finds by a preponderance of the evidence that Respondent violated NAC 630.540(16)
20 by engaging in conduct which brings the respiratory care profession into disrepute

21 **X.**

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

24 **CONCLUSIONS OF LAW**

25 **I.**

26 The Board has jurisdiction over Respondent.

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II.

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

III.

The Board concludes that Respondent violated NRS 630.305(1)(d), as described above and as alleged in Count I of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

IV.

The Board concludes that Respondent violated NRS 630.3062(1), as described above and as alleged in Count II of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

V.

The Board concludes that Respondent violated NAC 630.540(8), as described above and as alleged in Count III of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

VI.

The Board concludes that Respondent violated NAC 630.540(15), as described above and as alleged in Count IV of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

VII.

The Board concludes that Respondent violated NAC 630.540(16), as described above and as alleged in Count V of the Complaint, and, that accordingly, she is subject to discipline pursuant to NRS 630.352.

VIII.

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

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1 **ORDER**

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


4 **IT IS HEREBY ORDERED** that:

5 1. Respondent's license to practice respiratory care is hereby revoked until further order of
6 the Board.

7 2. Respondent shall pay all costs of the investigation and prosecution, in the amount of
8 **\$2,052.48**, to the Board, due and payable immediately upon entry of these Findings of Fact,
9 Conclusions of Law and Order.

10 DATED this 13th day of March, 2013.

11 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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Benjamin J. Rodriguez, M.D.
15 President
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1 **CERTIFICATION**

2 I certify that the foregoing is the full and true original
3 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** on file in the office of the
4 Board of Medical Examiners in the matter of NORMA JEANNE McCULLOUGH, CRT,
5 Case No. 12-24167-1.

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

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

12 DATED this 13th day of March, 2013.

13 NEVADA STATE BOARD OF MEDICAL EXAMINERS

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15 _____
16 VALERIE J. CLARK, BSN, RHU, LUTCF
17 Secretary-Treasurer
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