1	STATE BOARD OF MEDICAL EXAMINERS
1 2	OF THE STATE OF NEVADA
3 4 5 6	In the Matter of the Charges and Complaint Against: JASON HOWERTON, C.R.T. Respondent.
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8	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
9	The above-entitled matter came on regularly for decision before the Nevada
10	State Board of Medical Examiners, hereinafter "Board," on Friday, June 13, 2008 at the
11	Board's regularly scheduled meeting held at the Conference Room in the Offices of the
12	Nevada State Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno,
13	Nevada 89502 with video conference to the Offices of the Nevada State Board of Dental
14	Examiners, 6010 South Rainbow Boulevard, Building A, Suite 1, Las Vegas Nevada
15	89118. Respondent, JASON HOWERTON, C.R.T., hereinafter "Respondent" was not
16	present at the meeting.
17	The members of the Board participating in the decision were: Javaid Anwar,
18	M.D., Sohail U. Anjum, M.D., S. Daniel McBride, M.D., Benjamin J. Rodriguez, M.D.
19	Board Member Renee West was not present for the decision. All other remaining
20	members of the Board, being members of the Investigative Committee which issued the
21	complaint in this matter, were excused from participating and took no part in the
22	proceedings of the Board. Robert J. Bryant, Deputy Attorney General, acted as legal
23	counsel to the Board.
24	The Board having received and read the complaint and exhibits offered in the
25	matter, as well as the evidentiary packet of materials from the Hearing Officer, and
26	having reviewed and read all of the above, proceeded to make a decision pursuant to
27	the provisions of NRS chapter 233B and NRS 630.352.
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1		The Board after due consideration of the record, evidence and law, and being
2	fully a	dvised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF
3	LAW,	AND ORDER in this matter as follows:
4		FINDINGS OF FACT
5	1.	On or about October 8, 2007 a complaint was filed against Respondent by the
6		Investigative Committee of the Board alleging a violation of NAC 630.540(1)
7		(willfully and intentionally making a false statement in applying for a license.)
8	2.	On or about November 21, 2005 the Respondent responded to Question 12 on
9		his application for licensure to the Board with said question being "Have you ever
10		been investigated for, charged with, convicted of, or plead guilty or nolo
11		contendere to any offense or violation of any federal (including U.S. Military),
12		state or local lawwhich is a misdemeanor, gross misdemeanor, court-martial,
13		or felony, excluding any minor traffic offense"
14	3.	The Respondent replied in the negative to Question 12.
15	4.	On or about March 8, 2006 the Respondent responded to Question 5 on his
16		application for initial registration as a Certified Respiratory Therapist with the
17		Board with said question being "Have you ever been investigated for, charged
18		with, convicted of, or plead guilty or nolo contendere to any offense or violation of
19		any federal, state or local lawwhich is a misdemeanor, gross misdemeanor, or
20		felony, excluding any minor traffic offense"
21	5.	The Respondent replied in the negative to Question 5.
22	6.	Respondent has been licensed as a Certified Respiratory Therapist in the State
23		of Nevada since March 15, 2006.
24	7.	Subsequent to the licensure of the Respondent by the Board, the Board
25		determined that between 1984 and 2002, the Respondent had been arrested at
26		least 6 times for criminal offense that were not minor traffic offenses.
27	8.	The Board finds that the Respondent was deceitful and made a false statement
28		when he answered Questions 12 and 5 in the negative because he had been
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1		arrested and/or investigated and/or charged with multiple offenses that were not
2		minor traffic offenses.
3	9.	The Board finds that Respondent violated NAC 630.540(1), as set forth in the
4		complaint and as set forth in paragraph 8.
5	10.	Accordingly, the Board finds that the Respondent is subject to discipline pursuant
6		to NAC 630.555.
7	11.	The Board finds by a preponderance of the evidence, that Respondent's conduct
8		is a violation of NAC chapter 630 and that discipline is warranted.
9	12.	If any of the foregoing Findings of Fact is more properly deemed a Conclusion of
10		Law, it may be so construed.
11		CONCLUSIONS OF LAW
12	1.	The Board has jurisdiction over the Respondent.
13	2.	Respondent was properly served with notice of hearing before the Hearing
14		Officer via mailing to his last known address of 1751 Clearwood Street, Pittsburg,
15		California, 94565 and via publication in the Las Vegas Review Journal pursuant
16		to NRS and NAC chapters 630 and NRS chapter 233B.
17	3.	That the Board concludes that Respondent has violated NAC 630.540(1) as a
18		result of his answering in the negative questions for licensure relating to, inter
19		alia, whether he had been investigated and/or charged with a crime (other than a
20		minor traffic offense) when in fact he had been so investigated and/or charged
21		with such crimes (which were not minor traffic offenses) on at least 6 occasions
22		between 1984 and 2002.
23	4.	The Respondent is therefore subject to discipline pursuant to NAC 630.555.
24	5.	If any of the foregoing Conclusions of Law is more properly deemed a Findings of
25		Fact, it may be so construed.
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ORDER 1 2 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore, 3 4 IT IS HEREBY ORDERED that: Respondent violated NAC chapter 630 and that discipline is warranted. 5 1. Respondent's license as a Certified Respiratory Therapist is hereby 6 2. 7 revoked. Respondent is fined in the amount of FIFTEEN HUNDRED DOLLARS 8 3. (\$1,500) and shall pay investigative costs in the amount of \$3,110.38. 9 DATED this 12^{-1} , day of <u>June</u>, 2008. 10 NEVADA STATE BOARD OF MEDICAL EXAMINERS 11 12 13 By: JAVAID ANWAR, M.D., President 14 Submitted by: 15 CATHERINE CORTEZ MASTO 16 Attorney General 17 18 By: ROBERT J. BRY 19 Deputy Attorney General Attorney's for Nevada State Board of Medical Examiners 20 21 22 23 24 25 26 27 28 -4-

1	CERTIFICATION
2	I hereby certify that the foregoing is the full and true original FINDINGS OF
3	FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of
4	Medical Examiners in the matters of JASON HOWERTON, C.R.T., Case
5	No. 07-31239-1.
6	I further certify that JAVAID ANWAR, M.D., is President of the Nevada State
7	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 JAVAID
9	ANWAR, 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.
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13	Renée West
14	RENEE WEST Secretary-Treasurer
15	Nevada State Board of Medical Examiners
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