

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

3 * * * * *

4 **In The Matter of Charges and**)
5)
6 **Complaint Against**)
7) **Case No. 11-23980-1**
8 **GARY ROBERTS, C.R.T.,**)
9)
10 **Respondent.**)

FILED

AUG 26 2011

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

11 **COMPLAINT**

12 The Investigative Committee of the Nevada State Board of Medical Examiners, composed
13 at the time filing was approved of Theodore B. Berndt, M.D.,
14 Ms. Valerie Clark, BSN, RHU, LUTCF, and Michael Fischer, M.D., having a reasonable basis to
15 believe that Gary Roberts, C.R.T., hereinafter referred to as Mr. Roberts, has violated the
16 provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative
17 Committee's charges and allegations, as follows:

18 1. Mr. Roberts is licensed to practice respiratory care in the state of Nevada (License
19 No. RC36), and was originally licensed on November 14, 2001 by the Nevada State Board of
20 Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

21 2. On August 5, 2011 Mr. Roberts was working at University Medical Center (UMC).
22 While on duty, staff attempted to page Mr. Roberts over an extended period of time. He was
23 discovered in a restroom in UMC incoherent and disoriented with slurred speech and red, watery
24 eyes.

25 3. Mr. Roberts was taken to the emergency department of UMC and did provide a
26 urine sample which was determined to be positive for opiates.

27 4. Mr. Roberts does not have any current prescriptions for any opiate.

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

1 15. Mr. Roberts was found to have been under the influence of opiates for which he did
2 not have a prescription while at work at UMC and therefore was unable to practice respiratory care
3 with reasonable skill and safety due to said drug usage.

4 16. By reason of the foregoing, Mr. Roberts is subject to discipline by the Nevada State
5 Board of Medical Examiners as provided in NAC 630.555.

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

7 1. That the Nevada State Board of Medical Examiners give Mr. Roberts notice of the
8 charges herein against him and give him notice that he may file an answer to the Complaint herein
9 as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service
10 of the Complaint.

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

13 3. That the Nevada State Board of Medical Examiners determine what sanctions it
14 determines to impose if it determines there has been a violation or violations of the Medical
15 Practice Act (Nevada Revised Statutes Chapter 630) committed by Mr. Roberts; and

16 4. That the Nevada State Board of Medical Examiners make, issue and serve on
17 Mr. Roberts its findings of facts, conclusions of law and order, in writing, that includes the
18 sanctions imposed; and

19 5. That the Nevada State Board of Medical Examiners take such other and further
20 action as may be just and proper in these premises.

21 DATED this 26th day of August, 2011.

22
23 THE INVESTIGATIVE COMMITTEE OF
24 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

25 By: Lyn E. Beggs
26 Lyn E. Beggs, Esq.
27 General Counsel and Attorney for the Investigative Committee
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VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

THEODORE B. BERNDT, 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 26th day of August, 2011.



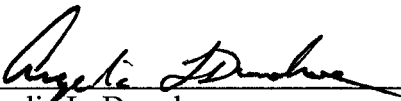
THEODORE B. BERNDT, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 26th day of August 2011, I served a file copy of the COMPLAINT & Fingerprint information via USPS e-certified mail to the following:

Gary Roberts, C.R.T.
170 Shaded Peak St.
Henderson, NV 89012

Dated this 26th day of August 2011.



Angelia L. Donohoe
Legal Assistant

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