

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)
8 **JAMES ROBERT EELLS, M.D.,**)
9)
10 **Respondent.**)

Case No. 12-8459-1

FILED

FEB - 9 2012

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 of filing of Theodore B. Berndt, M.D., Chairman, Valerie J. Clark,
14 BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member, by and through
15 Bradley O. Van Ry, Deputy General Counsel, having a reasonable basis to believe that
16 James Robert Eells, M.D., hereinafter referred to as "Respondent," has violated the provisions of
17 Nevada Revised Statutes (NRS), Chapter 630, hereby issues its formal Complaint, stating the
18 Investigative Committee's charges and allegations, as follows:

19 1. Respondent is currently licensed as Inactive status (License No. 6500), and has
20 been so licensed since December 8, 2011 and was originally licensed by the
21 Nevada State Board of Medical Examiners on July 1, 1992 pursuant to the provisions of
22 Chapter 630 of the NRS.

23 2. On or around December 18, 2008, Respondent entered into a Settlement Agreement
24 with the United States Department of Justice ("DOJ") and the Department of Health and Human
25 Services ("HHS"). The agreement settled claims made against Respondent by the DOJ and the
26 HHS arising from his medical practice and the participation in Medicare.

27 3. As part of the agreement, Respondent agreed to pay \$10,854.66 no later than
28 January 30, 2009.

1 4. The investigations, charges, negotiations and settlement all stemmed from patient
2 billing and records submitted to Medicare. Respondent's records were not accurate or complete as
3 required under Nevada law.

4 5. Additionally, Respondent failed to disclose the investigation and/or the formal
5 charges against him to the Nevada State Board of Medical Examiners as required by Nevada law
6 on his 2009 license renewal forms.

7 6. On his license renewal form dated 5-6-09, Respondent answered no to
8 Question seven (7) concerning criminal investigations and charges. Respondent further answered
9 no to Question twelve (12) on the same license renewal form concerning other governmental
10 entities investigating and/or charging Respondent with violating the law.

11 **Count I**

12 7. All of the allegations in the above paragraphs are hereby incorporated as if fully set
13 forth herein.

14 8. NRS Section 630.304(1) provides that obtaining, maintaining or renewing or
15 attempting to obtain, maintain or renew a license to practice medicine by bribery, fraud or
16 misrepresentation or by any false, misleading, inaccurate or incomplete statement is grounds for
17 initiating discipline against a licensee.

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

21 **Count II**

22 10. All of the allegations in the above paragraphs are hereby incorporated as if fully set
23 forth herein.

24 11. NRS Section 630.301(9) provides that the engaging in conduct that brings the
25 medical profession into disrepute is grounds for initiating discipline against a licensee.

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1 12. Medicare's billing investigation of Respondent and charges against Respondent, as
2 well as failure to disclose the foregoing to the Nevada State Board of Medical Examiners,
3 constitute conduct that brings the medical profession into disrepute.

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

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

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

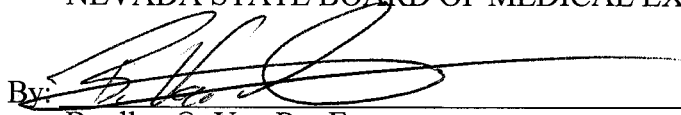
13 3. That the Nevada State Board of Medical Examiners determine what sanctions it
14 agrees upon to impose if it finds and concludes that there has been a violation or violations of the
15 Medical Practice Act (NRS Chapter 630) committed by Respondent; and

16 4. That the Nevada State Board of Medical Examiners make, issue and serve on
17 Respondent 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 9th day of February, 2012.

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

25 By: 
26 Bradley O. Van Ry, Esq.
27 Deputy General Counsel and Attorney for the Investigative Committee
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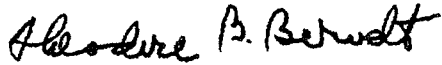
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., 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 foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 9th day of February, 2012.



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 9th day of February 2012; I served a filed copy of the Complaint, Settlement letter & Fingerprint information, via USPS e-certified mail to the following:

James Robert Eells, M.D.
3150 N. Tenaya Way, Suite 565
Las Vegas, NV 89128

Dated this 9th day of February 2012.



Angelia L. Donohoe
Legal Assistant