1	BEFORE THE BOARD OF MEDICAL EXAMINERS		
2	OF THE STATE OF NEVADA		
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6	In the Matter of Charges and) Case No. 13-39730-1		
7) Complaint Against) ETLES		
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9	JOHN BERNARD ABBAGO, CRT,) APR - 1 2013		
10	Respondent.		
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12	COMPLAINT		
13	The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board),		
14	composed at the time of filing this Complaint of Benjamin J. Rodriguez, M.D., Chairman, Beverly		
15	A. Neyland, M.D., Member, and Donna A. Ruthe, Member, by and through Bradley O. Van Ry,		
16	Esq., General Counsel for the Board and attorney for the IC, having a reasonable basis to believe		
17	that John Bernard Abbago, CRT (Respondent), violated the provisions of Nevada Revised Statutes		
18	(NRS) Chapter 630 and Nevada Administrative Code (NAC)		
19	Chapter 630 (collectively, the Medical Practice Act), hereby issues its formal Complaint, stating		
20	the IC's charges and allegations as follows:		
21	1. Respondent is currently licensed (License No. RC2145) to practice respiratory		
22	care, and was initially licensed by the Board on June 8, 2012, pursuant to the provisions of the		
23	Medical Practice Act.		
24	2. Respondent submitted his application for CRT licensure on January 1, 2012. On		
25	that initial licensure application, Respondent answered "yes" to question thirteen (13) involving		
26	criminal offenses.		
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3. Subsequently, and on multiple occasions, Respondent provided explanations to the Baord for his "yes" answer on question thirteen (13) to the Board. Therein, Respondent made explicit false statement(s).

4. Previously, on June 26, 2007, Respondent pled guilty to Conspiracy to Commit Battery with use of a Deadly Weapon. Respondent was then placed on probation from which he was dishonorably discharged on May 28, 2009.

5. Respondent's false statement(s) to the Board involve claims of not being personally involved with physically assaulting the alleged victim of the criminal activity and pertain to a partial payment of the fine arising from probation.

6. On June 8, 2012, Respondent appeared before the Board to discuss question thirteen (13) and his varied explanations to the question as well as his request for CRT licensure. During that appearance, Respondent made other demonstrably false statements.

7. Respondent stated that he "didn't actually throw a punch or strike'em. . . strike the person. I held him back, and I held back the person who tried to get involved also."

8. Respondent also stated that he "only paid a hundred dollars of this because I was going through financial problems."

17 9. After the meeting with the Board, Respondent was granted an unrestricted license
18 to practice respiratory care in the state of Nevada.

19 10. Significantly, a video of the entire incident involving Respondent and others in the
20 alleged criminal behavior is available for review. A review of the video establishes that
21 Respondent made false statements on his explanations to the Board in writing and in person.

11. Respondent also made false statements pertaining to repayment of the fine arising
from his related probation.

COUNT I

25 12. All of the allegations contained in the above paragraphs are hereby incorporated by
26 reference as though fully set forth herein.

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13. NAC 630.540(1) provides that a practitioner of respiratory care who willfully and intentionally makes a false or fraudulent statement or submits a false document in applying for a 2 license is grounds for initiating discipline against a licensee.

14. Respondent's actions as outlined above in providing false statements in writing and in person to the Board in support of his application for licensure constitutes willfully and intentionally making false or fraudulent statements or submitting false documents in applying for a license to practice respiratory care.

15. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555.

COUNT II

16. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

NAC 630.540(16) provides that the engaging in conduct which brings the 13 17. 14 respiratory care profession into disrepute is grounds for initiating discipline against a licensee.

18. Respondent's actions, as outlined above, in providing false statements in writing and in person to the Board in support of his application for licensure constitutes conduct which brings the respiratory care profession into disrepute.

19. By reason of the foregoing, Respondent is subject to discipline by the Board as 18 provided in NAC 630.555. 19

COUNT III

20. 21 All of the allegations contained in the above paragraphs are hereby incorporated by 22 reference as though fully set forth herein.

23 21. NAC 630.540(23) provides that a practitioner of respiratory care may be 24 disciplined for a violation of any provision that would subject a practitioner of medicine to 25 discipline pursuant to NRS 630.301 to 630.3065, inclusive.

22. 26 NRS 630.304(1) provides that the obtaining, maintaining or renewing or attempting 27 to obtain, maintain or renew a license to practice medicine by bribery, fraud or misrepresentation 28 ///

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or by any false, misleading, inaccurate or incomplete statement is grounds for initiating discipline 1 2 against a licensee.

23. Respondent's actions as outlined above in providing false statements in writing and in person to the Board in support of his application for licensure constitutes the obtaining or attempting to obtain a license to practice respiratory care by fraud, misrepresentation or by any false, misleading, inaccurate or incomplete statement.

24. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555.

COUNT IV

25. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

26. NAC 630.540(23) provides that a practitioner of respiratory care may be disciplined for a violation of any provision that would subject a practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive.

27. NRS 630.306(2)(a) provides that the engaging in any conduct which is intended to deceive is grounds for initiating discipline against a licensee.

28. 17 Respondent's actions as outlined above in providing false statements in writing and 18 in person to the Board in support of his application for licensure constitutes engaging in conduct which is intended to deceive. 19

20 29. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NAC 630.555. 21

WHEREFORE, the IC requests:

23 1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) 24 25 within twenty (20) days of service of the Complaint;

2. 26 That the Board set a time and place for a formal hearing after holding an 27 Early Case Conference pursuant to NRS 630.339(3);

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3. That the Board determine the sanctions it will impose if it finds Respondent 1 2 violated the Medical Practice Act; That the Board make, issue and serve on Respondent, in writing, its findings of 3 4. 4 fact, conclusions of law and order, which shall include the sanctions imposed; and 5. 5 That the Board take such other and further action as may be just and proper in these premises. 6 DATED this / day of April, 2013. 7 8 9 INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS 10 11 By Bradley O. Van Ry, Esq. General Counsel 12 Attorney for the Investigative Committee 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 5

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VERIFICATION

STATE OF NEVADA 2 COUNTY OF CLARK 3

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4 Benjamin J. Rodriguez, M.D., hereby deposes and states under penalty of perjury under 5 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 6 7 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 8 9 believes the allegations and charges in the foregoing Complaint against Respondent are true, 10 accurate and correct.

Dated this 187 day of April , 2013.

) ; ss.

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Benjamin J. Rodriguez, M.D.

	1	CERTIFICATE OF MAILING
	2	I hereby certify that I am employed by Nevada State Board of Medical Examiners and that
	3	on 1 st day of April 2013; I served a filed copy of the COMPLAINT & Settlement Letter, via USPS
	4	certified return receipt mail to the following:
	5	John Abbago, CRT
	6	9111 Sea Cove Street Las Vegas, NV 89123-3086
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	8	Dated this 1 st day of April, 2013.
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SEL	10	And Thom has
DUN	11	Angelia L. Donohoe
7 THE GENERAL COUNSEL State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559	12	Legal Assistant
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