

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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BEFORE THE CHIROPRACTIC
PHYSICIANS BOARD OF NEVADA

IN THE MATTER OF)
)
VERL BRENT BELL , D.C.) CASE NO.: 08-34I
LICENSE NO.:B864)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ADMINISTRATIVE DECISION

The Chiropractic Physicians Board of Nevada (hereafter referred to as "the Board") conducted an Administrative Hearing in the above referenced case on May 29, 2009. Upon being duly noticed Dr. Verl Brent Bell, D.C. appeared and represented himself.

The following Board members were present for the hearing: Dr. Ian K. Yamane, D.C. President, Dr. Margaret Colucci, D.C., Vice President; Paul Jackson, Consumer Member, Richard P. McCann, J.D. Consumer Member; Dr. Jack Nolle, D.C., Member and Chiropractic Physicians Board of Nevada Executive Director, Cindy Wade.

The contested Administrative hearing involved a Complaint filed on September 25, 2008, by the Chairwoman of the Idaho State Board of Chiropractic Physicians filed Complaint Number 08-34I with the Board alleging that Respondent had been disciplined by the Idaho Board of Chiropractic Examiners on September 24, 2008 due to his felony conviction of manufacturing a controlled substance in Case Number 2:04-CR-0213-LDG-LRL U.S. District Court, District of Nevada. The Complaint alleged that Dr. Bell had been convicted of one (1) felony count for manufacturing a controlled

ELIZABETH J. FOLEY
LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II

Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

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substance and that conviction of a felony constitutes unprofessional conduct pursuant to NRS 634.018(6).

A formal Complaint for Disciplinary Action and Notice of Hearing was filed with the Board on April 30, 2009 and served on Dr. Verl Brent Bell by certified mail. The Disciplinary Complaint charged Dr. Bell with unprofessional conduct in violation of NRS 634.018(6) which defines unprofessional conduct as the conviction of a felony and provides that the record of conviction is conclusive evidence of unprofessional conduct.

The Respondent Dr. Verl Brent Bell D.C. did not appear at the May 29, 2009 hearing. The Prosecuting attorney, Elizabeth J. Foley produced documentary exhibits one (1) through (9) nine all of which were admitted into evidence without objection.

Shannon Gaertner-Ewing testified by telephone. Based on the documentary evidence and the testimony of Dr. Shannon Gaertner-Ewing, D.C. the Board enters the following Findings of Fact Conclusions of Law and Decision and Order.

FINDINGS OF FACT

1. Respondent VERL BRENT BELL, D.C. is licensed as a Doctor of Chiropractic in the State of Nevada under license number B334.
2. On October 27, 2006 Respondent VERL BRENT BELL D.C. pleaded guilty to one felony count of manufacturing a controlled substance. A judgment of conviction was entered on October 27, 2006 in the United States District Court, District of Nevada.
3. On September 25, 2008 the Chairwoman of the Idaho State Board of

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LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II

Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

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Chiropractic Physicians filed Complaint Number 08-34I with the Board alleging that Respondent had been disciplined by the Idaho Board of Chiropractic Examiners on September 24, 2008 due to his felony conviction of manufacturing a controlled substance in Case Number 2:04-CR-0213-LDG-LRL U.S. District Court, District of Nevada.

4. Respondent's Nevada Chiropractic license was placed on inactive status when he sent a note stating that he had been out of the country.
5. Respondent's Nevada Chiropractic license was suspended for non-renewal in 2009.
6. Respondent did not report his felony conviction to this Board.
7. Respondent did not report his Idaho disciplinary action to this Board.
8. The Idaho Board of Chiropractic Physicians, on September 24, 2008 suspended Dr. Verl Brent Bell D.C. for a period of four (4) years; imposed the maximum fine of two thousand dollars (\$2,000.00) plus costs and attorneys fees. Prior to any reinstatement with the Idaho Board, Dr. Bell must provide to the Board a letter of probation compliance form his probation office or the judge; complete a psychological evaluation; successfully complete a drug/alcohol program; pass the NBCE Ethics Exam; and appear before the Board prior to reinstating his license.
9. Respondent Bell pled guilty to a felony count of knowingly manufacturing approximately 720 marijuana plants in an indoor lab in a residence in Las Vegas, Nevada.

ELIZABETH J. FOLEY
LAWYER, L.T.D.
601 S. Rancho Drive, Suite A-1
Quail Park II
Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

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10. Dr. Shannon Eaertner-Ewing D.C., the Chair of the Idaho Board of Chiropractic Physicians testified credibly that when Dr. Bell testified before the Idaho Board he did not show any remorse nor did he fully accept responsibility for the drug manufacturing for which he was convicted and imprisoned. Dr. Gaetner-Ewing further testified that Dr. Bell's felony drug conviction was found to constitute a significant violation of his professional responsibility to the public.
11. Respondent was sentenced to a term of five (5) years of supervised release (probation) to begin upon Respondent's release from federal prison.
12. On May 14, 2008, Respondent appeared in United States District Court, District of Nevada for a final hearing concerning the revocation of his supervised release for a violation of probation concerning the failure of a urine test. Respondent was sentenced to one hundred and twenty (120) days in a residential reentry center with the continued term of supervised release to continue for thirty three (33) months.
13. Respondent has incurred costs which total four thousand, two hundred and forty dollars and twenty five cents (\$4,240.25) for these disciplinary proceedings of the Chiropractic Physicians Board of Nevada.

CONCLUSIONS OF LAW

1. The Board has the requisite jurisdiction over the Respondent by virtue of his licensure under Chapter 634 of the Nevada Revised Statutes and Nevada Administrative Code.
2. The voluntary surrender of a license or the failure to renew a license does not

1 preclude the Board from hearing a Complaint for disciplinary action filed against
2 the the licensee pursuant to (NAC 634.390 (2)

- 3
4 3. The Respondent has violated NRS 634.018(6) and engaged in unprofessional
5 conduct by virtue of his conviction of manufacturing a controlled substance in
6 violation of 21 USC 841 (a)(1) (b)(1) (B) (vii).

7 **ADMINISTRATIVE DECISION**

8 Upon finding that Respondent Verl Brent Bell D.C. was guilty of unprofessional
9 conduct as set forth in the Administrative Complaint and as verified in the Findings of
10 Fact and Conclusions of Law set forth above, the Board unanimously determined that
11 the following forms of administrative discipline imposed concurrently for the violation
12 were warranted:

- 13
14 1) The Nevada license to practice chiropractic which was issued to
15 Respondent Verl Brent Bell on September 24, 2000 shall be revoked
16 effective Administrative Decision is executed and continuing until he has
17 successfully completed his federal felony probation at which time he may
18 reapply for licensure; and
19
20 2) The Respondent shall pay to the State of Nevada the maximum
21 administrative fine of ten thousand dollars (\$10,000.00) within sixty (60)
22 days of this Administrative Decision.
23
24 3) The Respondent shall pay all costs of this Administrative proceeding
25 which total four thousand, two hundred and forty dollars and twenty five
26 cents (\$4,240.00)

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ORDER

By a unanimous vote on May 29, 2009, at a duly noticed and conducted Board meeting the Chiropractic Physicians Board of Nevada approved the terms and conditions set forth in the attached Findings of Fact, Conclusions of Law and Administrative Decision.

DATED this 14th day of July, 2009.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA



DR. IAN YAMANE, PRESIDENT
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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