

FILED

IN THE JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, STATE OF NEVADA

Nov 18 8 33 AM '10  
JUSTICE COURT  
LAS VEGAS NEVADA  
BY RC DEPUTY

STATE OF NEVADA,

Plaintiff,

v.

JANICE VIOLA BURCH,  
ID No. 1785647,

Defendant.

Case No.: 10F21191X

Dept. No.: 11

**CRIMINAL COMPLAINT**

The undersigned, CATHERINE CORTEZ MASTO, Attorney General of the State of Nevada, by and through her deputy, MATTHEW L. JENSEN, under penalty of perjury, and within his knowledge, information and belief, complains and charges Janice Viola Burch with having committed the offenses of NEGLECT OF AN OLDER PERSON, a gross misdemeanor violation of NRS 200.5099(2) and 200.5092(4), six (6) counts; and PERFORMANCE OF ACT OR NEGLIGENCE OF DUTY IN WILLFUL OR WANTON DISREGARD OF SAFETY OF PERSON OR PROPERTY, a gross misdemeanor violation of NRS 202.595(1), one (1) count, in the County of Clark, State of Nevada as follows:

**COUNT ONE**

**NEGLECT OF AN OLDER PERSON**

**Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

Defendant did then and there, while having assumed the responsibility and/or the obligation for the caring for an older person, including the provision of food, shelter, clothing or services necessary to maintain the physical or mental health of that older person, fail to do so in the following manner:

On or about December 16, 2008, defendant, while serving as the licensed administrator of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an older person (C.D., male, 60 years of age or older) to be placed in a situation where he could suffer physical pain or mental suffering as a result of abuse or neglect. C.D. was a resident in defendant's facility. Defendant failed to ensure that residents received needed services and

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1 protective supervision and failed to ensure that the facility was in compliance with applicable  
2 health and safety requirements. Defendant's failures were exemplified by defendant: failing to  
3 appropriately administer each resident's medications, failing to properly document  
4 administration of each resident's medications, failing to properly supervise caregivers  
5 (including directing caregivers to falsify medication administration logs and failing to ensure  
6 that caregivers have medication administration training), failing to properly secure or store  
7 resident medications, failing to provide adequate toilet facilities and/or failing to maintain an  
8 appropriate temperature level in the facility.

9 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and  
10 200.5092(4).

11 **COUNT TWO**  
12 **NEGLECT OF AN OLDER PERSON**  
13 **Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

14 Defendant did then and there, while having assumed the responsibility and/or the  
15 obligation for the caring for an older person, including the provision of food, shelter, clothing or  
16 services necessary to maintain the physical or mental health of that older person, fail to do so  
17 in the following manner:

18 On or about December 16, 2008, defendant, while serving as the licensed administrator  
19 of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an  
20 older person (M.V., female, 60 years of age or older) to be placed in a situation where she  
21 could suffer physical pain or mental suffering as a result of abuse or neglect. M.V. was a  
22 resident in defendant's facility. Defendant failed to ensure that residents received needed  
23 services and protective supervision and failed to ensure that the facility was in compliance  
24 with applicable health and safety requirements. Defendant's failures were exemplified by  
25 defendant: failing to appropriately administer each resident's medications, failing to properly  
26 document administration of each resident's medications, failing to properly supervise  
27 caregivers (including directing caregivers to falsify medication administration logs and failing  
28 to ensure that caregivers have medication administration training), failing to properly secure or

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1 store resident medications, failing to provide adequate toilet facilities and/or failing to maintain  
2 an appropriate temperature level in the facility.

3 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and  
4 200.5092(4).

5 **COUNT THREE**  
6 **NEGLECT OF AN OLDER PERSON**  
7 **Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

8 Defendant did then and there, while having assumed the responsibility and/or the  
9 obligation for the caring for an older person, including the provision of food, shelter, clothing or  
10 services necessary to maintain the physical or mental health of that older person, fail to do so  
11 in the following manner:

12 On or about December 16, 2008, defendant, while serving as the licensed administrator  
13 of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an  
14 older person (R.G., female, 60 years of age or older) to be placed in a situation where she  
15 could suffer physical pain or mental suffering as a result of abuse or neglect. R.G. was a  
16 resident in defendant's facility. Defendant failed to ensure that residents received needed  
17 services and protective supervision and failed to ensure that the facility was in compliance  
18 with applicable health and safety requirements. Defendant's failures were exemplified by  
19 defendant: failing to appropriately administer each resident's medications, failing to properly  
20 document administration of each resident's medications, failing to properly supervise  
21 caregivers (including directing caregivers to falsify medication administration logs and failing  
22 to ensure that caregivers have medication administration training), failing to properly secure or  
23 store resident medications, failing to provide adequate toilet facilities and/or failing to maintain  
24 an appropriate temperature level in the facility.

25 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and  
26 200.5092(4).

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**COUNT FOUR**  
**NEGLECT OF AN OLDER PERSON**  
**Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

Defendant did then and there, while having assumed the responsibility and/or the obligation for the caring for an older person, including the provision of food, shelter, clothing or services necessary to maintain the physical or mental health of that older person, fail to do so in the following manner:

On or about December 16, 2008, defendant, while serving as the licensed administrator of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an older person (C.M., female, 60 years of age or older) to be placed in a situation where she could suffer physical pain or mental suffering as a result of abuse or neglect. C.M. was a resident in defendant's facility. Defendant failed to ensure that residents received needed services and protective supervision and failed to ensure that the facility was in compliance with applicable health and safety requirements. Defendant's failures were exemplified by defendant: failing to appropriately administer each resident's medications, failing to properly document administration of each resident's medications, failing to properly supervise caregivers (including directing caregivers to falsify medication administration logs and failing to ensure that caregivers have medication administration training), failing to properly secure or store resident medications, failing to provide adequate toilet facilities and/or failing to maintain an appropriate temperature level in the facility.

All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and 200.5092(4).

**COUNT FIVE**  
**NEGLECT OF AN OLDER PERSON**  
**Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

Defendant did then and there, while having assumed the responsibility and/or the obligation for the caring for an older person, including the provision of food, shelter, clothing or services necessary to maintain the physical or mental health of that older person, fail to do so in the following manner:

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1 On or about December 16, 2008, defendant, while serving as the licensed administrator  
2 of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an  
3 older person (C.S., female, 60 years of age or older) to be placed in a situation where she  
4 could suffer physical pain or mental suffering as a result of abuse or neglect. C.S. was a  
5 resident in defendant's facility. Defendant failed to ensure that residents received needed  
6 services and protective supervision and failed to ensure that the facility was in compliance  
7 with applicable health and safety requirements. Defendant's failures were exemplified by  
8 defendant: failing to appropriately administer each resident's medications, failing to properly  
9 document administration of each resident's medications, failing to properly supervise  
10 caregivers (including directing caregivers to falsify medication administration logs and failing  
11 to ensure that caregivers have medication administration training), failing to properly secure or  
12 store resident medications, failing to provide adequate toilet facilities and/or failing to maintain  
13 an appropriate temperature level in the facility.

14 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and  
15 200.5092(4).

16 **COUNT SIX**

17 **NEGLECT OF AN OLDER PERSON**

18 **Gross Misdemeanor - NRS 200.5099(2) and 200.5092(4)**

19 Defendant did then and there, while having assumed the responsibility and/or the  
20 obligation for the caring for an older person, including the provision of food, shelter, clothing or  
21 services necessary to maintain the physical or mental health of that older person, fail to do so  
22 in the following manner:

23 On or about December 16, 2008, defendant, while serving as the licensed administrator  
24 of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did permit or allow an  
25 older person (I.P., female, 60 years of age or older) to be placed in a situation where she  
26 could suffer physical pain or mental suffering as a result of abuse or neglect. I.P. was a  
27 resident in defendant's facility. Defendant failed to ensure that residents received needed  
28 services and protective supervision and failed to ensure that the facility was in compliance  
with applicable health and safety requirements. Defendant's failures were exemplified by

1 defendant: failing to appropriately administer each resident's medications, failing to properly  
2 document administration of each resident's medications, failing to properly supervise  
3 caregivers (including directing caregivers to falsify medication administration logs and failing  
4 to ensure that caregivers have medication administration training), failing to properly secure or  
5 store resident medications, failing to provide adequate toilet facilities and/or failing to maintain  
6 an appropriate temperature level in the facility.

7 All of which constitutes a gross misdemeanor violation of NRS 200.5099(2) and  
8 200.5092(4).

9 **COUNT SEVEN**  
10 **PERFORMANCE OF ACT OR NEGLIGENCE OF DUTY IN WILLFUL OR WANTON**  
11 **DISREGARD OF SAFETY OF PERSONS OR PROPERTY**  
12 **Gross Misdemeanor - NRS 202.595(1)**

13 Defendant did then and there perform an act and neglected a duty imposed by law in  
14 willful or wanton disregard of the safety of persons or property in the following manner:

15 On or about December 16, 2008, defendant, while serving as the licensed administrator  
16 of a housing facility located at 3820 Golf Lane, Las Vegas, Nevada, did fail to follow duties  
17 imposed on her as a licensed administrator. Defendant failed to provide oversight and  
18 direction for staff members to ensure adequate services and supervision of residents in  
19 defendant's facility and failed to ensure that the facility was in compliance with applicable  
20 regulations. Defendant's failures were exemplified by defendant: failing to ensure that facility  
21 records, including resident records and staff records, were complete and accurate; failing to  
22 ensure that records were maintained for administration of medication to residents of the  
23 facility; failing to properly store and maintain resident medications; failing to ensure that the  
24 facility was properly certified to care for the residents of the facility; failing to maintain required  
25 toileting facilities and/or failing to maintain required temperature levels in the facility.

26 All of which constitutes a gross misdemeanor violation of NRS 202.595(1).

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1 All of which is contrary to the form, force, and effect of statutes in such cases made  
2 and provided, and against the peace and dignity of the State of Nevada. Said complainant  
3 therefore requests that a summons be issued in order that the defendant may be dealt with  
4 according to law.

5 DATED this 5<sup>th</sup> day of November, 2010.

6 CATHERINE CORTEZ MASTO  
7 Attorney General

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9 By: *Andrew Schulze for*  
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