# BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

\* \* \* \* \*

In the Matter of Charges and Complaint

Against

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COREY DANIEL BUENO, CRT,

Respondent.

Case No. 19-36900-1

FILED

APR 1 1 2019

NEVADA STATE BOARD OF MEDICAL EXAMINERS

### **COMPLAINT**

The Investigative Committee<sup>1</sup> (IC) of the Nevada State Board of Medical Examiners (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC, having a reasonable basis to believe that Corey Daniel Bueno, CRT (Respondent) violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

- Respondent was at all times relative to this Complaint a certified respiratory therapist 1. holding an active license to practice respiratory therapy in the State of Nevada (License No. RC1776). Respondent was originally licensed by the Board on March 25, 2010, which license was summarily suspended on or about April 10, 2019.
- 2. On or about December 18, 2017, Respondent was ordered (Order), pursuant to Nevada Administrative Code (NAC) 630.550, to comply with the recommendations of the evaluation performed by Larry Espadero, LADC, of Professional Recovery Network (PRN), at Montevista Hospital in Las Vegas.
  - Respondent was personally served with the Order on December 19, 2017. 3.
  - On November 20, 2018, Respondent was involved in a motor vehicle collision. He 4.

<sup>&</sup>lt;sup>1</sup> The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Rachakonda Prabhu, M.D., Chairman, Victor M. Muro, M.D., and Ms. April Mastroluca.

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admitted to officers at the scene that he had smoked marijuana twenty (20) minutes prior to driving and he had taken one Percocet at 5:00 p.m. He was arrested. No drug test was included in the arrest report.

- On November 28, 2018, Mr. Espadero informed the Board of the arrest after having 5. spoken to Respondent. Pursuant to the Order and his contract with PRN, Respondent was instructed to meet with Mr. Espadero that same day for further counseling and treatment.
- As of the filing of this Complaint, Respondent has not complied with those instructions, or made contact with Mr. Espadero regarding his arrest or his intentions with the PRN program.
  - Based on the foregoing, Respondent has not complied with the Order. 7.
- On December 10, 2018, Mr. Espadero informed the Board he was terminating 8. Respondent's contract with PRN for lack of attendance and failure to follow conditions of his contract.
- 9. On information and belief, Respondent is unable to practice respiratory therapy with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

### **COUNT I**

### NRS 630.306(1)(a)

## (Inability to Practice Respiratory Therapy With Reasonable Skill and Safety)

- All of the allegations contained in the above paragraphs are hereby incorporated by 10. reference as though fully set forth herein.
- NAC 630.540(23) provides that violating any provision that would subject a 11. practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230, is grounds for dispinary action against a respiratory therapist.
- NRS 630.306(1)(a) provides that the inability to practice with reasonable skill and 12. safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance is grounds for initiating disciplinary action.

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- Respondent is unable to practice respiratory therapy with reasonable skill and safety 13. because of a mental or physical condition and the use of alcohol, drugs, narcotics and other substances.
- 14. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

### **COUNT II**

### NRS 630.3065(2)(a)

### (Failing to Comply With a Lawful Order of the Investigative Committee)

- 15. All of the allegations in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- NAC 630.540(23) provides that violating any provision that would subject a 16. practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC 630.230, is grounds for dispinary action against a respiratory therapist.
- NRS 630.3065(2)(a) provides that knowingly or willfully failing to comply with an 17. order of a committee designated by the Board to investigate a complaint against a licensee, i.e., the IC, is grounds for initiating disciplinary action.
- Respondent knowingly and willfully failed to comply with the IC's Order of 18. December 18, 2017.
- 19. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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

- 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) within twenty (20) days of service of the Complaint;
- That the Board set a time and place for a formal hearing after holding an Early 2. Case Conference pursuant to NRS 630.339(3);
- That the Board determine what sanctions to impose if it determines there has been 3. a violation or violations of the Medical Practice Act committed by Respondent;

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

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- 4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the Board take such other and further action as may be just and proper in these premises.

DATED this <u>| O</u> day of April, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:

Aaron Bart Fricke, Esq., Deputy General Counsel Attorney for the Investigative Committee

# OFFICE OF THE GENERAL COUNSEL

### VERIFICATION

STATE OF NEVADA	)	
	: ss.	
COUNTY OF CLARK	)	

Rachakonda D. Prabhu, 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 \_\_\_\_\_day of April, 2019.

INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Dhabby Rachallorda Rachakonda D. Prabhu, M.D., Chairman