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

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**In the Matter of Charges and Complaint
Against
MELISSA TERESA CANDRILLI, RRT,
Respondent.**

Case No. 19-33868-1

FILED

DEC 19 2019

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

COMPLAINT

The Investigative Committee¹ (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 Melissa Teresa Candrilli, RRT (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:

1. Respondent was at all times relative to this Complaint a respiratory therapist holding an active or suspended license to practice respiratory therapy in the State of Nevada (License No. RC1551). Respondent was originally licensed by the Board on May 28, 2008.

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¹ 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 D. Prabhu, M.D., Chairman, Victor M. Muro, M.D., and Ms. April Mastroluca.

1 2. Pursuant to NAC 630.540, a practitioner of respiratory care is subject to discipline or
2 denial of licensure by the Board if, after notice and hearing in accordance with NAC Chapter 630, the
3 Board finds that the practitioner of respiratory care:

4 1. Willfully and intentionally made a false or fraudulent
5 statement or submitted a forged or false document in applying
6 for a license or renewing a license.

7 4. Disobeyed any order of the Board or an investigative
8 committee of the Board or violated a provision of this chapter.

9 5. Is not competent to provide respiratory care services.

10 6. Lost his or her certification by the National Board for
11 Respiratory Care or its successor organization.

12 7. Failed to notify the Board of loss of certification by the
13 National Board for Respiratory Care or its successor
14 organization.

15 ...

16 9. Rendered respiratory care to a patient while under the
17 influence of alcohol or any controlled substance or in any
18 impaired mental or physical condition.

19 ...

20 23. Violated any provision that would subject a practitioner
21 of medicine to discipline pursuant to NRS 630.301 to
22 630.3065, inclusive, or NAC 630.230.

23 3. Pursuant to NRS 630.254, each licensee of the Board shall maintain a permanent
24 mailing address with the Board to which all communications from the Board to the licensee must be
25 sent. A licensee who changes his or her permanent mailing address shall notify the Board in writing of
26 the new permanent mailing address within 30 days after the change. If a licensee fails to notify the
27 Board in writing of a change in his or her permanent mailing address within 30 days after the change,
28 the Board may impose a fine and initiate disciplinary action against the licensee as provided pursuant
NRS 630.306(1)(j).

4. On May 31, 2018, Respondent's certification as a respiratory therapist by the National
Board for Respiratory Care (NBRC) expired.

5. Respondent did not notify the Board of the expiration of her NBRC certification.

6. On June 6, 2018, the Board suspended Respondent's license to practice respiratory care
due to the expiration of her NBRC certification.

7. On June 11, 2018, an Order of Suspension was mailed to Respondent's address on

1 record, which Order was returned to the Board as “unclaimed.”

2 8. On June 26, 2018, the Board reinstated Respondent’s license to practice respiratory
3 care upon being provided proof of renewal of her NBRC certification.

4 9. On information and belief, on or about January 21, 2019, Respondent reported to work
5 at the Complex Care Hospital at Tenaya (CCHT) under the influence of alcohol. Supervisory staff of
6 CCHT requested, and Respondent submitted to, a breathalyzer test.

7 10. On or about January 25, 2019, Respondent was notified by CCHT staff that she was
8 suspended from duty as a respiratory therapist pending the results of an investigation of allegations of
9 being under the influence of alcohol during work hours.

10 11. On information and belief, Respondent’s employment was subsequently terminated by
11 CCHT.

12 12. On or about June 28, 2019, Respondent submitted to the Board a biennial license
13 renewal application (Application).

14 13. On the Application, Respondent denied that during the period of July 1, 2017, through
15 July 1, 2019, she had been “. . . a) asked to respond to an investigation; b) notified that you were under
16 investigation for; c) investigated for . . . any violation of a statute, rule or regulation governing your
17 practice as a practitioner of respiratory care by any . . . hospital” Respondent answered “no” to
18 the inquiry, and thereby failed to report on her Application that she had been under investigation by
19 CCHT for allegations of being under the influence of alcohol during work hours, which would be a
20 violation of, including but not limited to, NAC 630.540(9).

21 14. On information and belief, Respondent’s failure to report on her Application the
22 CCHT investigation, involving a possible violation of NAC 630.540(9), was willful and intentional.

23 15. On or about July 24, 2019, Respondent was arrested by the North Las Vegas Police
24 Department for a misdemeanor charge of providing a false statement/obstruction of a public officer.
25 The police had been called for a possible case of domestic violence. At the time she was arrested, the
26 police observed Respondent to be inebriated. Respondent’s fiancée was arrested due to an outstanding
27 warrant, and Respondent then became verbally and physically aggressive with the police officers.

28 16. On or about August 26, 2019, Respondent pled no contest to the aforementioned

1 charge and paid fees and a fine totaling \$405.

2 17. On or about August 6, 2019, Respondent was again arrested by the North Las Vegas
3 Police Department for a misdemeanor charge of driving under the influence (DUI), first offense, and a
4 misdemeanor charge of failure to maintain lane/improper lane change.

5 18. On or about October 7, 2019, Respondent pled no contest to the DUI charge and was
6 ordered to attend a mandated drug and alcohol program. The failure to maintain lane charge was
7 dismissed.

8 19. On December 3, 2019, pursuant to NAC 630.550, the IC issued to Respondent an
9 Order for Competency Evaluation and Fitness To Practice (Order), whereby Respondent was ordered
10 to undergo an evaluation at 12:00 noon on December 13, 2019, at Montevista Hospital at 5900 W.
11 Rochelle Avenue, Las Vegas, NV 89103.

12 20. Respondent was personally served with the Order on December 5, 2019.

13 21. On December 13, 2019, Respondent met with Larry Espadero, LADC, and underwent
14 an evaluation as ordered.

15 22. On December 16, 2019, Mr. Espadero communicated his report to the Board, wherein
16 he opined that Respondent was unfit to practice.

17 23. Based on the foregoing, on or about December 18, 2019, the IC issued an Order of
18 Summary Suspension alleging that that the health, safety and welfare of the public was at
19 imminent risk of harm if Respondent was permitted to continue practicing, and that an immediate
20 summary suspension of Respondent's license in the State of Nevada was necessary for the
21 protection of the public. NRS 630.326(1).

22 **COUNT I**

23 **NRS 630.306(1)(a)**

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

25 24. 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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1 25. NAC 630.540(23) provides that violating any provision that would subject a
2 practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC
3 630.230, is grounds for disciplinary action against a respiratory therapist.

4 26. NRS 630.306(1)(a) provides that the inability to practice with reasonable skill and
5 safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or
6 any other substance is grounds for initiating disciplinary action.

7 27. Respondent is unable to practice respiratory therapy with reasonable skill and safety
8 because of a mental or physical condition and the use of alcohol, drugs, narcotics and other
9 substances.

10 28. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
11 Board of Medical Examiners as provided in NAC 630.555 and NRS 630.352.

12 **COUNT II**

13 **NAC 630.540 (Willful and Intentional False Statement in Renewal of License)**

14 29. All of the allegations in the above paragraphs are hereby incorporated by
15 reference as though fully set forth herein.

16 30. Pursuant to NAC 630.540(1), a practitioner of respiratory care is subject to
17 discipline or denial of licensure for willfully and intentionally making a false or fraudulent
18 statement in renewing a license.

19 31. On information and belief, Respondent knowingly and willfully made a false
20 statement in answering "no" to the question on her Application referred to in paragraph 13 above.

21 32. By reason of the foregoing, Respondent is subject to discipline by the Nevada
22 State Board of Medical Examiners as provided in NAC 630.555 and NRS 630.352.

23 **COUNT III**

24 **NRS 630.306(1)(j)**

25 **(Failing to Timely Notify the Board of a Change of Permanent Address)**

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

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1 34. NAC 630.540(23) provides that violating any provision that would subject a
2 practitioner of medicine to discipline pursuant to NRS 630.301 to 630.3065, inclusive, or NAC
3 630.230, is grounds for disciplinary action against a respiratory therapist.

4 35. NRS 630.306(1)(j) provides that failing to comply with the requirements of NRS
5 630.254 is grounds for initiating disciplinary action.

6 36. NRS 630.254 provides, in pertinent part:

7 Each licensee shall maintain a permanent mailing address with the Board to which
8 all communications from the Board to the licensee must be sent. A licensee who
9 changes his or her permanent mailing address shall notify the Board in writing of
10 the new permanent mailing address within 30 days after the change. If a licensee
fails to notify the Board in writing of a change in his or her permanent mailing
address within 30 days after the change, the Board:

- 11 (a) May impose upon the licensee a fine not to exceed \$250; and
12 (b) May initiate disciplinary action against the licensee as provided
pursuant to paragraph (j) of subsection 1 of NRS 630.306.

13 37. Respondent violated NRS 630.254 by failing to maintain a permanent address with
14 the Board to which all communications to the licensee must be sent.

15 38. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
16 Board of Medical Examiners as provided in NAC 630.555 and NRS 630.352.

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

18 1. That the Board give Respondent notice of the charges herein against her and give
19 her notice that she may file an answer to the Complaint herein as set forth in NAC 630.545 and
20 NRS 630.339(2) within twenty (20) days of service of the Complaint;

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

23 3. That the Board determine what sanctions to impose if it determines there has been
24 a violation or violations of the Medical Practice Act committed by Respondent;

25 4. That the Board make, issue and serve on Respondent its findings of fact,
26 conclusions of law and order, in writing, that includes the sanctions imposed; and

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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 19 day of December, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 

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

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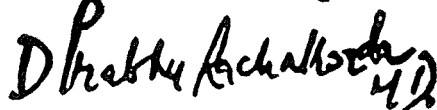
VERIFICATION

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 19th day of December, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Rachakonda D. Prabhu, M.D., Chairman