

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

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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 21 2020
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The above-entitled matter came on regularly for decision before the Nevada State Board of Medical Examiners (Board), on the Complaint filed herein, on Friday, December 4, 2020, at the Board's office located at 9600 Gateway Drive, Reno, Nevada, 89521, for Board members and staff, and, pursuant to Emergency Directives issued by Governor Sisolak, via telephonic conference, Meeting Call-In Number: 1-669-900-6833, Meeting ID: 93019412591, Meeting Password: 6882559, for Respondent and other members of the public. Melissa Teresa Candrilli, RRT (Respondent), who was duly served with notice of the adjudication, was not present and not represented by counsel. The adjudicating members of the Board participating in these Findings of Fact, Conclusions of Law (FOFCOL) and Order were: Mr. M. Neil Duxbury, Dr. Aury Nagy, Dr. Michael Edwards, Dr. Weldon Havins, Ms. Maggie Arias-Petrel, and Dr. Bret W. Frey. Henna Rasul, Esq., Senior Deputy Attorney General, served as legal counsel to the Board.

The Board, having received and read the Complaint and exhibits admitted in the matter and filed into the record in this case, the Hearing Officer's Findings and Recommendation, prepared by the Hearing Officer, Charles B. Woodman, Esq., who presided over the hearing, and the transcript of the hearing, proceeded to make a decision pursuant to the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), NRS Chapter 622A, and NRS Chapter 233B, as applicable.

1 The Board, after due consideration of the record, evidence and law, and being fully
2 advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF LAW AND
3 ORDER in this matter, as follows:

4 **FINDINGS OF FACT**

5 **I.**

6 Respondent held a license to practice respiratory care in the State of Nevada issued by the
7 Board at all relevant times.

8 **II.**

9 On December 19, 2019, the Investigative Committee filed its formal Complaint in
10 Case No. 19-33868-1, alleging Respondent violated the Medical Practice Act. Respondent was
11 personally served with the Complaint on December 20, 2019, at her address of record, which
12 address licensees of the Board are required to maintain pursuant to NRS 630.254. The Complaint
13 alleges as three (3) violations of the Medical Practice Act that constitute grounds for initiating
14 disciplinary action against a licensee, as follows: Count I, violation of NRS 630.306(1)(a),
15 Inability to Practice Respiratory Therapy With Reasonable Skill and Safety; Count II, violation of
16 NAC 630.540, Willful and Intentional False Statement in Renewal of License, and Count III,
17 violation of NRS 630.306(1)(j), Failing to Timely Notify the Board of a Change of Permanent
18 Address. Each alleged violation can subject a practitioner to discipline pursuant to NRS 630.301
19 to 630.3065, inclusive, or NAC 630.230. Respondent did not answer or file a response to the
20 allegations set forth in the Complaint. Pursuant to NAC 630.460(4), the allegations of the
21 Complaint are deemed generally denied if an answer is not filed.

22 **III.**

23 A Notice and Order Scheduling Early Case Conference was filed on June 12, 2020,
24 scheduling the Early Case Conference for the pending matter for Monday, June 22, 2020, at
25 10:00 a.m. This Order was personally mailed via U.S.P.S. Certified, postage pre-paid, to her
26 address of record, and delivered to and signed for at that address on June 15, 2020, at 12:53 p.m.
27 On Monday, June 22, 2020, a telephonic Early Case Conference was conducted in this matter.
28 Aaron B. Fricke, Senior Deputy General Counsel, was present on behalf of the Investigative

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1 Committee in the conference room of the Nevada State Board of Medical Examiners, and Melissa
2 Candrilli, RRT, appeared telephonically. The Hearing Officer appeared telephonically as well.
3 The parties agreed to dates for the pre-hearing conference, exchange of documents, and the
4 hearing date. In compliance with NAC 630.465, a Notice and Order Setting Pre-Hearing and
5 Hearing was filed on June 24, 2020, setting that conference for July 24, 2020, at 10:00 a.m., and
6 setting the hearing for September 3, 2020, commencing at 1:30 p.m., and continuing through
7 September 4, 2020, commencing at 9:00 a.m., at the Office of the Nevada State Board of Medical
8 Examiners, 9600 Gateway Drive, Reno, Nevada 89521. The Notice and Order Setting
9 Pre-Hearing and Hearing was sent to Respondent at her address of record via U.S.P.S.
10 e-certified return receipt mail on June 24 2020.

11 The Pre-Hearing Conference was held as noticed and ordered, at which time, legal counsel
12 for the Investigative Committee, Aaron Bart Fricke, Esq., Senior Deputy General Counsel,
13 appeared. Neither the Respondent nor any representative of the Respondent appeared at the
14 Pre-Hearing Conference. At the Pre-Hearing Conference, counsel for the Investigative Committee
15 provided the Hearing Officer with the mandated Pre-Hearing Conference Disclosures and had
16 copies of both the Pre-Hearing Conference Statement and the mandated Pre-Hearing Disclosures
17 available for the parties. Respondent was timely and properly served with the Pre-Hearing
18 Conference Statement and the mandated Pre-Hearing Disclosures in accordance with NRS and
19 NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due process, by
20 U.S.P.S. e-certified return receipt mail, delivered to Respondent at her address of record on
21 July 27, 2020 at 2:13 p.m. On July 29, 2020, the Hearing Officer issued an Order After Pre-
22 Hearing, again ordering that the hearing was set for September 3, 2020, commencing at 1:30 p.m.,
23 and continuing through September 4, 2020, commencing at 9:00 a.m., at the Office of the Nevada
24 State Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada 89521. The Order After
25 Pre-Hearing was delivered to Respondent at her address of record via U.S.P.S. e-certified return
26 receipt mail August 13, 2020 at 3:16 p.m.

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1 IV.

2 On September 3, 2020, as duly noticed and ordered, a hearing was held before the Hearing
3 Officer to receive evidence and to hear arguments. Legal counsel for the Investigative
4 Committee, Aaron Bart Fricke, Esq., Senior Deputy General Counsel, appeared. The Respondent
5 did not attend the hearing, nor did she have counsel appear on her behalf. On behalf of the IC,
6 Mr. Fricke moved to withdraw Count III of the Complaint, which was accordingly dismissed,
7 leaving Counts I and II for hearing. Mr. Fricke presented the IC's case, offered documentary
8 evidence and presented witness testimony, and Exhibits 2 through 23, were marked and admitted
9 into evidence. The Hearing Officer provided a Case Synopsis dated November 18, 2020. The
10 matter was scheduled for final adjudication on Friday, December 4, 2020, at a regularly scheduled
11 Board meeting. The Notice of Adjudication was mailed to Respondent on October 28, 2020, via
12 e-certified with return receipt requested, and Respondent received and signed for said documents
13 on October 31, 2020. The Case Synopsis, and the Hearing transcripts were mailed to Respondent
14 on November 18, 2020, via e-certified with return receipt requested, and Respondent received and
15 signed for said documents on November 20, 2020.

16 V.

17 Pursuant to NRS 622A.300(5)(a), the Findings and Recommendations of the Hearing
18 Officer are hereby approved by the Board in their entirety, and are hereby specifically
19 incorporated and made part of this Order by reference.

20 VI.

21 In accord with the Findings and Recommendations, the Board hereby finds that Counts I
22 and II as set forth in the Complaint, and as recapitulated in Paragraph II above, have been
23 established by a preponderance of the evidence.

24 VII.

25 If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it
26 may be so construed.

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CONCLUSIONS OF LAW

I.

The Board has jurisdiction over Respondent and the Complaint, and an adjudication of this matter by the Board members as set forth herein is proper.

II.

Respondent was timely and properly served with the Complaint, and all notices and orders in advance of the hearing and adjudication thereon, in accord with NRS and NAC Chapters 630, NRS Chapters 241, 622A and 233B, and the requirements of due process.

III.

With respect to the allegations of the Complaint, the Board concludes that Respondent has violated NRS 630.306(1)(a), Inability to Practice Respiratory Therapy With Reasonable Skill and Safety, as alleged in Count I, and has violated NAC 630.540, Willful and Intentional False Statement in Renewal of License, as alleged in Count II. Accordingly, Respondent is subject to discipline pursuant to NRS 630.352.

IV.

The Board finds that, pursuant to NRS 622.400, it may recover from Respondent reasonable attorneys' fees and costs incurred by the Board as part of its investigative, administrative and disciplinary proceedings against Respondent as it hereby enters this FOFCOL and Order, finding that Respondent has violated the Medical Practice Act, which the Board has the authority to enforce.

V.

The Board has reviewed the Investigative Committee's Memorandum of Costs and Disbursements and Attorneys' Fees, and the Board finds them to be the actual fees and costs incurred by the Board as part of its investigative, administrative and disciplinary proceedings against Respondent, and finds them to be reasonable based on: (1) the abilities, training, education, experience, professional standing and skill demonstrated by Board staff and attorneys; (2) the character of the work done, its difficulty, its intricacy, its importance, the time and skill required, the responsibility imposed and the prominence and character of the parties where, as in

1 this case, they affected the importance of the litigation; (3) the work actually performed by the
2 Board's attorneys and staff, and the skill, time and attention given to that work; and (4) the
3 product of the work and benefits to the Board and the people of Nevada that were derived
4 therefrom.

5 **VI.**

6 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it
7 may be so construed.

8 **ORDER**

9 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
10 appearing therefore,

11 IT IS HEREBY ORDERED that:

12 1. Pursuant to NRS 630.352(4)(b), Respondent shall receive a written public letter of
13 reprimand;

14 2. Pursuant to NRS 630.352(4)(d), Respondent's license to practice respiratory care in
15 Nevada shall remain suspended until further order of the Board;

16 3. Pursuant to NRS 630.352(4)(f), Respondent is hereby ordered to enter, within
17 thirty (30) days of service of this Order, a 5-year contract with Professional Recovery Network
18 (PRN) for treatment of alcohol and substance abuse disorder and any other issues determined
19 upon examination, and she undergo periodic drug and alcohol testing as directed by PRN to assure
20 her complete abstinence from mood-altering substances for the duration of her contract with PRN;

21 4. Pursuant to NRS 630.352(4)(h), Respondent is hereby ordered to pay fines in the
22 total amount of three thousand dollars (\$3,000.00) within sixty (60) days of service of this Order;

23 5. Pursuant to NRS 630.352(4)(j), Respondent is hereby ordered to undergo a
24 psychiatric examination by PRN within sixty (60) days, with said examination conducted pursuant
25 to and in accord with NRS 630.318; and

26 6. Respondent is hereby ordered to reimburse the Board the reasonable costs and
27 expenses actually incurred in the investigation and prosecution of this case in the amount of seven
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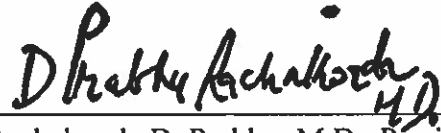
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thousand eight hundred ninety-seven dollars and nineteen cents (\$7,897.19) within sixty (60) days of service of this Order.

IT IS SO ORDERED.

DATED this 21st day of December, 2020.



Rachakonda D. Prabhu, M.D., President
Nevada State Board of Medical Examiners


CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners in the matter of MELISSA TERESA CANDRILLI, RRT, Case No. 19-33868-1.

I further certify that Rachakonda D. Prabhu, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said Rachakonda D. Prabhu, M.D.

IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as Secretary-Treasurer of the Nevada State Board of Medical Examiners.

DATED this 21st day of December, 2020.



April Mastroluca, Secretary-Treasurer
Nevada State Board of Medical Examiners

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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 21st day of December, 2020; I mailed via USPS e-certified return receipt mail a file-stamped copy of the following: Findings of Fact, Conclusions of Law, and Order

Melissa Candrilli
6416 Night Owl Bluff
North Las Vegas, NV 89084

Dated this 21st day of December, 2020.



Meg Byrd
Legal Assistant