

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

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5 **In the Matter of the Investigation of:**
6 **DEMARIO JAMES SMITH, RRT,**
7 **License No. RC2775.**

Case No.: 21-46125-1

FILED

SEP 27 2021

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

8
9 **ORDER OF SUMMARY SUSPENSION AND NOTICE OF HEARING**

10 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
11 (Board) hereby **IMMEDIATELY SUMMARILY SUSPENDS** the license of
12 DeMario James Smith, RRT (Licensee) from the practice of respiratory therapy, pursuant to the
13 Board's authority to regulate the practice of respiratory therapy in the State of Nevada pursuant to
14 Nevada Revised Statutes (NRS) Chapter 630.

15 The IC issues this Order of Summary Suspension (Order) based on its determination that
16 Licensee's acts put the health, safety or welfare of the public at risk of imminent harm pursuant to
17 NRS 630.326(1).

18 Prior to the preparation of this Order, Board staff presented to the IC the following:

19 1. Licensee is a registered respiratory therapist licensed to practice in the State of
20 Nevada (RC2775). The Board issued his license on September 2, 2016.

21 2. On or about January 8, 2018, Licensee entered into contract with Professionals
22 Recovery Network (PRN). Pursuant to Licensee's contract with PRN, Licensee agreed in part to
23 abide by its terms for at least five (5) years; to participate in periodic group counseling sessions; to
24 abstain from mood-altering drugs; to participate in random drug screening; and to pay all related
25 financial obligations.

26 3. On August 1, 2018, Licensee and the IC entered into an "Agreement for
27 Participation in a Drug and Alcohol Monitoring/Diversion Program" (Agreement), in which the IC

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¹ The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members Victor M. Muro, M.D., Chairman, Aury Nagy, M.D., and Ms. Maggie Arias-Petrel.

1 noted it had reviewed Licensee’s contract with PRN and related documents, and determined that
2 Licensee shall participate and comply with the recommendations and terms set forth in the
3 contract.

4 4. Also on August 1, 2018, the IC adopted and approved the Agreement and ordered
5 that its terms would henceforth be considered an Order of the IC (Order).

6 5. On September 13, 2021, Mark Chase, the Clinical Program Director at PRN,
7 notified the Board that Licensee “is **NOT** in compliance with the agreement he signed with PRN
8 on January 8, 2018,” and that Licensee was terminated from the program effective that date. Mr.
9 Chase explained that Licensee failed to appear for a recent drug test, and when he eventually
10 reported to PRN later that week, upon learning that he would be observed providing the sample,
11 Licensee “became very angry and vocal” and “refused to consent.” Mr. Chase stated that,
12 “[c]linically, [he] has no choice but to assume [Licensee] is presumptive positive for
13 psychotropic(s).”

14 6. Accordingly, Licensee has failed to abide by his contract with PRN and the
15 Agreement with the IC, and has violated the IC’s Order.

16 7. Based on the foregoing, the IC finds that the health, safety and welfare of the
17 public is at imminent risk of harm if Licensee is permitted to continue practicing, and that an
18 immediate summary suspension of Licensee’s respiratory therapy license in the State of Nevada is
19 necessary for the protection of the public. *See* NRS 630.326(1).

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ORDER

IT IS HEREBY ORDERED that the License of DeMario James Smith, RRT (RC2775) is **SUMMARILY SUSPENDED** until further order of the IC or Board, and Licensee is prohibited from engaging in any acts that constitute the practice of respiratory therapy; and

IT IS FURTHER ORDERED that a hearing on this matter is set for the **3rd day of November, 2021, at 9:00 a.m.**, at the Board's office located at 9600 Gateway Drive, Reno, Nevada 89521, to determine whether this suspension may continue, unless the parties mutually agree in writing to a different date and/or time. *See NRS 630.326(2).*

DATED this 27th day of September, 2021.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By:



VICTOR M. MURO, M.D.

Chairman of the Investigative Committee

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 27th day of September, 2021, I served a file-stamped copy of the **ORDER OF SUMMARY SUSPENSION AND NOTICE OF HEARING**, via U.S. Certified Mail to the following parties:

DEMARIO JAMES SMITH, RRT
6109 Blossom Knoll Ave.
Las Vegas, NV 89108

**Certified Mailing No.:* 9171 9690 0935 0252 1570 16

DATED this 27th day of September, 2021.



MERCEDES FUENTES
Legal Assistant
Nevada State Board of Medical Examiners

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