



# Nevada State Board of Medical Examiners

## **\* \* \* MINUTES \* \* \***

### **OPEN SESSION BOARD MEETING**

**Held in the Conference Room of the  
Nevada State Board of Medical Examiners**

**1105 Terminal Way, Suite 301, Reno, NV 89502**

**videoconferenced to**

**the Nevada State Board of Dental Examiners**

**2295 B Renaissance Drive, Las Vegas, NV 89119**

**FRIDAY, JUNE 4, 2004 – 8:30 a.m.**

**and**

**SATURDAY, JUNE 5, 2004 - 8:00 a.m.**

#### ***Board Members Present***

Cheryl A. Hug-English, M.D., President

Jaculine C. Jones, Ed.D., Vice President

Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Joel N. Lubritz, M.D.

Marlene J. Kirch

Stephen K. Montoya, M.D.

Sohail U. Anjum, M.D.

Javaid Anwar, M.D.

#### ***Board Members Absent***

Charles N. Held, M.D.

#### ***Staff Present***

Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Laurie L. Munson, Deputy Executive Secretary/

Information Systems Administrator/Chief of Administration

Stephen D. Quinn, General Counsel

Edward O. Cousineau, Deputy General Counsel

Lynnette L. Krotke, Chief of Licensing

Douglas C. Cooper, Chief of Investigations

Michael L. Huse, Investigator (present in Las Vegas)

#### ***Also Present***

Charlotte M. Bible, J.D., Chief Deputy Attorney General

Timothy D. Coughlin, President, Nevada Health Professionals Assistance Foundation

Bradley J. Thompson, M.D., Medical Director, Nevada Health

Professionals Assistance Foundation (present in Las Vegas)

John B. Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member

Michael J. Garcia, R.R.T., Practitioner of Respiratory Care

Advisory Committee Member (present in Las Vegas)

## **FRIDAY, JUNE 4, 2004**

### Agenda Item 1

#### **CALL TO ORDER AND ANNOUNCEMENTS** - Cheryl A. Hug-English, M.D., President

The meeting was called to order by Cheryl A. Hug-English, M.D., President, at 8:30 a.m.

Mr. Clark introduced Jerry C. Calvanese, M.D., the Board's new Medical Reviewer, to members, and Dr. Calvanese gave a brief history of his professional background. Mr. Clark then introduced Edward O. Cousineau, the Board's new Deputy General Counsel, to members.

Ms. Krotke introduced Jennifer D. Ross, the Board's new License Specialist, to members.

Mr. Cooper introduced Angela S. Hoffman, the Board's new Investigator, to members, and provided a brief history of her education and professional background.

Dr. Hug-English welcomed the new employees.

### Agenda Item 2

#### **APPROVAL OF MINUTES**

- March 12 & 13, 2004 Board Meeting - Open/Closed Sessions
- March 30, 2004 Emergency Telephone Conference Call Board Meeting – Open Session
- May 17, 2004 Emergency Telephone Conference Call Board Meeting – Open Session

Dr. Lubritz requested the following addition to page 7 of the March 12 & 13, 2004 Open Session Minutes, to be placed at the end of the last paragraph on that page: "Dr. Lubritz challenged the name of the position paper of the Clark County Medical Society, as he has discussed the position paper with many of the previous officers and current members of the board of trustees, and they had not even had an opportunity to read the Federation of State Medical Boards' audit, much less have an opinion on it. Therefore, it was an opinion letter of Dr. Don Havins and Dr. Kingsley and not that of the Clark County Medical Society."

Discussion ensued concerning the requested addition and the members agreed that Dr. Lubritz had made those statements during the discussion of the Clark County Medical Society Position Paper at the March Board meeting.

Dr. Lubritz moved to amend the Open Session Minutes of March 12 & 13, 2004, as stated by Dr. Lubritz, with respect to consideration of the Clark County Medical Society Position Paper. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz requested the following change to page 9, paragraph 4, of the March 12 & 13, 2004 Open Session Minutes: It should state that "Dr. Baepler moved to approve recertification by subspecialty boards *approved by the American Board of Medical Specialties.*"

Dr. Lubritz moved to amend the open session Minutes of March 12 & 13, 2004, as just stated. Dr. Baepler seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch expressed concerns with the language of Item Number 3 at the bottom of page 2 of the Minutes of May 17, 2004, in that it states the Board will "assist" Dr. Giarrusso, and she thought the final action taken was that the Board would update its records to reflect the current status, but not "assist" Dr. Giarrusso in regaining her certification, and as written it appears the Board is going above and beyond to try to help her in some ways it wouldn't help anyone else.

Mr. Quinn explained that the intent of the statement was not that the Board would go out and do something affirmatively on behalf of Dr. Giarrusso, but that Board staff would respond to inquiries by credentialing entities or facilities by confirming the status of the matter.

Discussion ensued concerning the language of Item Number 3 of the Minutes of May 17, 2004 and its intent.

Dr. Montoya requested an amendment to page 2, paragraph 5, of the Minutes of March 30, 2004, stating what he spoke to Dr. Giarrusso about was the Diversion Committee's request for an observed urine sample; he never discussed an Investigative Committee order with her.

Dr. Montoya moved to amend the Minutes of May 17, 2004 to state that Dr. Giarrusso had contacted him concerning the *Diversion Committee's* order for an observed urine sample, *not* an Investigative Committee order. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to approve the minutes of the March 12 & 13, 2004 Board Meeting - Open/Closed Sessions, as amended, approve the minutes of March 30, 2004, as amended, and defer further consideration of the Minutes of May 17, 2004. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

### Agenda Item 3

#### **PERSONNEL**

##### **Closed Session**

- Annual Review and Discussion of Professional Competency of Staff

##### **Open Session**

- Set Staff Compensation
  - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Mrs. Kirch moved to go into closed session to discuss the professional competency of Board staff. Dr. Jones seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler made a motion to approve a 2-1/2% cost-of-living increase for all staff; a 10% merit increase, which will include the 2-1/2% cost-of-living increase, for Executive Secretary Drennan A. Clark and General Counsel Stephen D. Quinn, in acknowledgement of the fact that they have both been promoted from deputy positions to the heads of their respective areas; and approve the merit increases recommended for staff by Mr. Clark. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English thanked Mr. Clark and Mr. Quinn for their efforts over the past year, and stated the Board appreciates and thanks all the staff for their hard work.

Agenda Item 4

**CONSIDERATION OF AUDIT PERFORMED BY THE FEDERATION OF STATE MEDICAL  
BOARDS OF THE UNITED STATES, INC. AS MANDATED BY THE NEVADA LEGISLATURE**

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Dr. Hug-English stated that at the March meeting, Mr. Clark provided a very detailed summary of the recommendations contained in the audit report and has provided the Board with an itemized list of those that have already been implemented, those that the Board can take action on at this meeting to implement if it desires, and those that would take legislative action to implement. She told the other members that she, Keith Lee and Mr. Clark had appeared before the Legislative Commission to discuss the Board's response to the Federation's audit recommendations and she summarized for the Commission the items the Board has already implemented and those it will be discussing at this meeting. She felt the session went very well and the opinion of the Commission is that the Board is being responsive to the concerns that have been raised.

Dr. Hug-English then asked for discussion on the recommendations in category one, those that have already been implemented. Lengthy discussion ensued concerning the manner in which the Board is handling cases.

Dr. Hug-English summarized the first five recommendations (a through e) in category two, those that the Board could adopt and implement at the meeting. The first is that the Board should pursue and discipline licensees for failure to report malpractice claims and awards against them. The second addresses penalties assessed to insurance companies through the Division of Insurance for failure to report. The third involves a crosscheck when a case is reported by the clerk of a court or an insurance company to see whether the licensee involved self-reported.

The fourth recommendation is one Dr. Hug-English indicated she feels strongly about—that the Board should periodically ask the medical community to assist with peer reviews, as the willingness of physicians to assist with that process is crucial, and will become increasing more important with the numbers of physicians coming into the state. She suggested that reminders in the Board's newsletters and perhaps in other venues are incredibly important to accomplish this task.

The fifth recommendation is that the Board create an audit committee to receive and review the audits. Currently the audit is presented to the Secretary-Treasurer and then the Secretary-Treasurer presents it to the Board. Discussion ensued concerning this item. Dr. Baepler stated the management letter should be received with the audit, not afterward, so the Board could review them together, and Mrs. Kirch stressed the importance of having the auditors present to answer questions at the meeting at which the audit was discussed.

Discussion next ensued concerning the first item and whether the medical community is well-enough informed that they are required to self-report, and ways the Board could educate the licensees regarding their responsibility to report claims and the possible disciplinary sanctions which could be assessed against them for failure to do so. There was brief discussion concerning the fact that the Board does not have authority over insurance companies and discussion regarding peer reviews.

Dr. Hug-English stated the sixth recommendation (f) is that the Board make public Board orders and complaints available to the public on the website at no cost. The members discussed the possible benefits and detriments to placing complaints themselves on the website versus to the current procedure of placing a synopsis of the complaint and any action taken upon it by the Board on the website.

Motion by Dr. Anjum to continue placing synopses of the complaints on the website, provide the information available on the website at no cost to anyone who does not have Internet access, and provide addition information to the public at a certain cost. Dr. Lubritz seconded the motion. No vote was taken on the motion.

There was further discussion concerning potential problems which could arise by offering to provide the full text of the information synopsisized on the website to those who claim no access to the Internet and the fairness of the statutory charge of 60 cents per page for copies of documents requested.

Dr. Anjum amended his motion to remove the provision of providing information available on the website at no cost to those who do not have Internet access. Dr. Lubritz seconded the amendment, and it passed unanimously, with the Chair voting in favor of the amendment.

Dr. Hug-English then called for a second on the full motion. Dr. Jones seconded the full motion, and it passed, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Dr. Hug-English stated the seventh recommendation (g) was to use the Board's newsletter as a tool and to do a better job with it, and the members indicated they were all in agreement with that recommendation.

Dr. Hug-English stated the next recommendation (h) is that the Board hire a full-time public information media specialist, and said she was of the opinion there currently was not enough work to hire a full-time person, but there are occasions when PR work is needed. Discussion ensued, and Dr. Lubritz offered that as an alternative, it might be reasonable to consider hiring a public information specialist on a part-time basis as opposed to continuing the television ads the Board is currently running and has run for quite some time. Dr. Hug-English asked if staff has the capability to hire someone on a per-diem basis at times such as during legislative sessions or when particular issues come up, and Dr. Montoya proposed the Board could use Mr. Clark and the Board's legislative assistant to handle most of it.

Dr. Hug-English stated recommendation (i) would be deferred until later, as there was another agenda item that would address whether or not the Board continues with its public service announcements, and that recommendation (j) talks about speaking engagements with medical and specialty groups and hospital staffs, which she thinks is a good idea. Dr. Montoya stated that Board members had already been doing that.

Dr. Hug-English stated recommendation (k) recommended developing brochures to be placed in physicians' offices that tell the public about the Board. Mr. Clark told the Board that staff was in the process of updating the current Board brochure and could bring prototypes to the Board for review. Lengthy discussion ensued concerning whether the Board should require physicians to place the brochures in their offices, with a penalty for failing to do so. Dr. Hug-English stated the consensus she is getting from the members is that staff continue working on development of a new brochure and bring it back to the Board for review.

Dr. Hug-English described recommendation (l), that more reliable information about the physician workforce in Nevada is needed and the Board could provide more data needed by the Legislature and others to make workforce decisions by including some questions on the licensure renewal application to obtain information such as whether physicians are accepting new patients, whether they accept Medicare, etc., and then making that information available. Dr. Lubritz stated he felt those types of questions were not appropriate as part of an application for licensure. Dr. Hug-English suggested the possibility of utilizing a survey to obtain the information. Larry Matheis of the Nevada State Medical Association said he thought the purpose of the recommendation was not to collect a lot of new information, but rather to find a better way to use the information the Board already collects. Dr. Hug-English made a recommendation that the Board not make any great changes to its license applications but if there were specific questions the medical societies or other groups have in addition to what the Board is already collecting, they could be presented to the Board at a later date for consideration.

Dr. Hug-English stated recommendation (m) is a continuation of a previous recommendation that the Board and staff give presentations describing what the Board does, and she feels we are doing more of that, and should continue to do so. Discussion ensued concerning this item.

Dr. Hug-English deferred the recommendations that would require statutory changes to implement to the September meeting for discussion.

Motion by Dr. Anjum to approve the recommendations as discussed up to that point. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Hug-English asked for public comment on the foregoing issues and none was offered.

## Agenda Item 15

### **REPORTS**

- Diversion Program - *Quarterly Report* - Timothy D. Coughlin, President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, and Dan Hickey, P.A.-C, Advisory Committee Members
  - Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
  - Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson  
Joel N. Lubritz, M.D., Chairperson
    - Consideration of Cases Recommended for Closure by the Committees
    - Status of Investigative Case Load
  - Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting
    - Jacqueline C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.
  - Nevada State Medical Association Liaison Report
    - Stephen K. Montoya, M.D.
  - Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
    - Consideration of Proposed Budget for Fiscal Year 2004 – 2005
    - Status of Finances
  - Consideration of 2003 Board Annual Report
- **Diversion Program: *Quarterly Report* – Timothy D. Coughlin, M.D., President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation**

Bradley J. Thompson, M.D., Medical Director of the Nevada Health Professionals Assistance Foundation, stated the Foundation was still on track to get Dr. Peter Mansky as their Executive Director and Medical Director; however, they are in negotiations with Dr. Mansky and his tentative start date is now August 9th. Dr. Mansky is committed to working for the Foundation, and the Foundation is committed to hiring him; however, the Foundation is having a little problem with money, so they are still working out the details.

Timothy D. Coughlin, M.D., President of the Nevada Health Professionals Assistance Foundation, stated that what Dr. Thompson told the Board is essentially accurate; that the Foundation is still negotiating with Dr. Mansky and they are very hopeful they will retain him, but it isn't a done deal.

Dr. Lubritz asked how close the Foundation was to a deal with Dr. Mansky and whether or not the Foundation had the financial resources to pay him. Dr. Coughlin stated they do have the money, but Dr. Mansky has requested an annual increase in salary since he feels he is coming in at less than he is worth, and the benefits package is being pared down a bit, as the Foundation is trying to spend their money wisely and make sure the deal is equitable for both parties. They will either have a deal within the month or they won't.

Dr. Baepler asked whether Dr. Mansky was going to be permitted to carry on a private practice part time, and Dr. Coughlin stated that would be at the discretion of the board and as long as he is able to fulfill his responsibilities to the board.

Dr. Hug-English asked if this has caused the Diversion Program difficulties, and Dr. Coughlin stated it had not. He stated that the Diversion Program has not seen a lot of problems in the north at this point, but Dr. Thompson is intervening on a number of people in Las Vegas. Dr. Thompson stated the Diversion Program is currently running very smoothly, and that he appreciates the cooperation the Board staff is giving them. He also stated the Foundation is a little better off financially now than it was at the time of the last report, but are continuing to look for additional sources of funding. The board and diversion committee have changed since their last report -- Dr. Jackson from the north is now their Treasurer and Dr. John Chapel has been added to the board. Tim Coughlin, Roger Belcourt and Jerry Kate remain the President, Vice President and Secretary. The Southern Nevada Diversion Committee is meeting monthly.

A member of the public asked what salary they were offering the Executive Director, and Dr. Coughlin stated it is approximately \$138,000.

#### Agenda Item 5

#### **COMMITTEE REPORT ON REVIEW OF BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM**

- Stephen K. Montoya, M.D.; Marlene J. Kirch; Drennan A. Clark, J.D., Executive Secretary/  
Special Counsel

Dr. Montoya stated the Committee met again with Nevada Broadcasters Association and was presented with about ten different scenarios both for TV and radio, which the Committee pared down to four or five, and the Board now has those scripts in front of it for consideration. The message is to be positive -- to let the public know the Board is there for them and to let the doctors know the Board is not against them.

Dr. Baepler asked if the physicians' educational information had been added to the website, and Ms. Munson stated the information is still being verified for accuracy and that should be completed in a couple of months, at which time, the information can be added.

#### Agenda Item 6

#### **CONSIDERATION OF CONTINUATION OF CONTRACT WITH NEVADA BROADCASTERS ASSOCIATION FOR THE BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM FOR JULY 1 THROUGH SEPTEMBER 30, 2004, OR COMMENCEMENT OF ANNUAL CONTRACT WITH NEVADA BROADCASTERS ASSOCIATION, OR BOTH**

Mr. Clark stated he thought Nevada Broadcasters Association had presented the committee with some good scripts for short TV spots, and that it would be helpful to the Board to get more of them on. The Board has a form of contract for an annual contract, or the Board can continue with quarterly contracts as it has in the past. Dr. Baepler asked if Nevada Broadcasters would continue to produce the scripts if the Board signed a contract for only a quarter, and Mr. Clark stated he believed they would, and also the Board would probably have to renew the contract for another quarter in order to get approval of an annual contract before the Board of Examiners if the Board decides to go that way.

Dr. Montoya stated he would like to see the Board enter into an annual contract, as it rarely makes any changes in a year, and that way the Board wouldn't have to revisit the matter every quarter. At the end of the year, the Board could evaluate whether it is working out and make a change at that time if appropriate.

Dr. Baepler asked for the amount of the annual contract, and Mr. Clark stated it is \$5,000 a month, or \$60,000, plus \$7,500 for production costs.

Motion by Dr. Montoya to approve an annual contract with Nevada Broadcasters Association, utilizing the new script ideas, and at the amounts that have been presented, pending approval by the Board of Examiners. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz suggested the Board should actively pursue the development of the pamphlets that have been suggested.

Dr. Baepler stated he thinks the current public service announcements are not providing the Board with the kind of exposure it needs or necessarily the appropriate message it wants to convey, as a lot of people have never seen them. Dr. Hug-English stated that with an annual contract, if the Board is not satisfied after a quarter, they could tell Nevada Broadcasters it expects to see better time slots.

#### Agenda Item 8

**CONSIDERATION OF REQUEST BY STATE OF NEVADA DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES FOR ISSUANCE OF LIMITED LICENSES TO FAMILY PRACTICE RESIDENTS TO PERFORM MEDICAL SCREENING SERVICES AT SOUTHERN NEVADA ADULT MENTAL HEALTH SERVICES ON CONTRACTUAL BASIS**

- David A. Rosin, M.D., Statewide Medical Director, MHDS

David A. Rosin, M.D., Statewide Medical Director, MHDS, stated there is, and will be in the future, a crisis in providing mental health care in Las Vegas. They currently average 30 people a day who are certified as dangerous to themselves, who wait two to three days in the Valley's emergency rooms for treatment. The Legislature, in the last session, allowed them to increase their psychiatric emergency room to 26 beds and they have received funding to build a new hospital that will increase their in-patient beds from 78 to 150. In addition, they operate the only joint commission-approved psychiatric emergency service in the state. Since they are joint-commission certified, they are now required to provide emergency physicals on all their admissions to the emergency services department. They turn their 26 emergency room beds more than once a day and have an average of 40 people per day walk in. They are asking the Board to allow them to use second- or third-year family practice residents to complete histories and physicals for their state agency under the supervision of a full-time licensed internist. They would not have primary care of the patients or prescriptive privileges. They have received permission from the dean of the medical school and the family practice residency program pending Board approval. Whether these individuals would be contractually paid or paid by the state is under consideration. They would be asking the residents to provide roughly five hours a week. They would only be working at the Southern Nevada Adult Mental Health Hospital, and the patients would already have been medically screened at the hospital emergency rooms before arriving at that facility.

Dr. Montoya asked for clarification as to whether they are asking for third-year residents or second- and third-year residents, and Dr. Rosin stated it is third-year residents only; they are asking the D.O. Board for second- and third-year residents.

Discussion ensued concerning these types of residency programs.

Dr. Rosin described some of the other programs and plans MHDS has for the future.

Dr. Lubritz asked if they had advertised in the medical community for physicians who wanted to perform the histories and physicals, as those are perhaps two of the most important things that occur with a patient, and Dr. Rosin stated they had not done so because they do not have the budget for that. Dr. Hug-English stated she thinks the residents are quite qualified to do a history and physical on any patient, as that is something they begin training on from day one in medical school.

Lynnette Krotke, Chief of Licensing for the Board, expressed concern that residents who participate in the program have current licenses.

Motion by Dr. Montoya to approve the use of third-year residents to perform histories and physicals in the psychiatric facility. Dr. Anwar seconded the motion.

Dr. Lubritz asked if the Board could go into closed session or delay the matter until the Board had time to think about it, and Charlotte Bible, Chief Deputy Attorney General, stated it was not the type of matter that constitutes the necessity of closed session.

Dr. Lubritz expressed concern over the qualifications of some of the residents who may be offered these positions. Dr. Hug-English stated the residency directors had to be comfortable with the level of practice of the residents who were allowed to participate and that it is important for the Board to have the names of those residents so it is known to the Board who they are.

Dr. Lubritz withdrew his request for closed session.

Dr. Baepler asked Dr. Rosin whether he would have a chance to review the qualifications of the residents who would be involved in the operation or whether they would be assigned to him without his review. Dr. Rosin stated he is working with Dr. Lenhardt and the residents would go through the program's screening process and would have to demonstrate competency as the program has to demonstrate competency for the joint commission.

Dr. Hug-English stated she thinks the program is a good one, the people currently in the program are capable and doing a good job, and there is a good checks-and-balances system in place because both Dr. Rosin and Dr. Lenhardt would be reviewing the candidates.

Dr. Hug-English then asked for a vote on the motion before the Board, and it passed, with Dr. Lubritz opposed, and the Chair voting in favor of the motion.

Agenda Item 7

**PRESENTATION BY NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS**

- Lt. Col. Katherine J. Adamson, P.A.-C, MMS, MA, NCCPA

Lt. Col. Katherine J. Adamson, P.A.-C, MMS, MA, of the NCCPA, made a presentation to the Board regarding the Physician Assistant certification process through the NCCPA and the requirements for recertification. She told the Board there is a cap on the number of times a Physician Assistant may sit for the exams; three times in a single year for the initial certification exam and six times in six years for other exams, and discussed their examination development process and scoring. She told the Board the NCCPA does CMA auditing, has an appeals process similar to that of many medical boards, has instituted a disciplinary policy for their licensees, and they offer a website for medical boards to obtain information and electronic scores from their examinations.

Agenda Item 9

**REQUEST FOR APPROVAL TO PRACTICE OUTSIDE OF THE UNIVERSITY OF NEVADA SCHOOL OF MEDICINE'S FAMILY PRACTICE RESIDENCY PROGRAM, PER NRS 630.265(4)**

- Thomas John Davis, M.D., License No. LL1347; Richard Williams, M.D., Residency Director, Family Practice Residency, Reno

Dr. Williams explained that Dr. Davis wants to moonlight in California during his third year of residency. Dr. Davis has been an outstanding resident and has demonstrated outstanding abilities during his emergency medicine residency, which is what he will be doing in California.

Dr. Davis stated he would be working in the Quincy/Chester/Portola area during his off hours and would not spend more than a weekend every couple of months covering weekend shifts there. He feels it would be valuable working experience, and is currently applying for a license in California.

Dr. Hug-English stated requests from residents to moonlight are handled on a case-by-case basis and the residency director must feel comfortable that the moonlighting will provide additional experience that would benefit the applicant in the future rather than deter from the resident's training.

Dr. Baepler suggested the Board may want to examine its rule on moonlighting.

Dr. Williams stated the ACGMA requires residency directors to keep tabs all residents who moonlight and if it affects their residency, they are no longer allowed to moonlight.

Motion by Dr. Montoya to allow Dr. Davis to moonlight in California as proposed, under the supervision of his program director. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 10

**CONSIDERATION OF DISMISSAL OF NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KURT ANDRE BUZARD, M.D., CASE NO. 04-5431-1; PROPOSAL OF SETTLEMENT OF ROBERT RUTLEDGE, M.D. VS. NEVADA STATE BOARD OF MEDICAL EXAMINERS, CASE NO. CV03-05715; PROPOSAL OF SETTLEMENT OF NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RICHARD L. WAGNER, M.D., CASE NO. 04-5061-1; AND PROPOSAL OF SETTLEMENT OF NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAN LAEL EISENBERG, M.D., CASE NO. 04-8717-1**

- Stephen D. Quinn, J.D., General Counsel

**- Consideration of Dismissal of Nevada State Board of Medical Examiners vs. Kurt Andre Buzard, M.D., Case No. 04-5431-1**

Mr. Quinn stated that at the time he presented the case to the Investigative Committee, and when he filed the complaint, he was unaware that Dr. Buzard had entered into a contract with the diversion program because Dr. Buzard had entered into the contract through Dr. Ruckel, and not Carol Bowers, as was the usual procedure, so when Mr. Quinn checked with Carol Bowers, she was unaware that Dr. Buzard was in the program. Mr. Quinn's understanding is that when a physician enters the diversion program, the Board does not proceed against him. Therefore, based upon the fact that Dr. Buzard is enrolled in the program, Mr. Quinn requested approval of the Board of a voluntary dismissal of the disciplinary action.

Dr. Baepler stated that enrollment in the diversion program is not enough; the Board has options. One is that it can still restrict a person's license to certain activities subject to compliance with diversion and consider reinstating to a full license when the contract with diversion is completed or have something from the program stating that the doctor in question is in good standing with them.

Discussion ensued concerning the meaning of "compliance" with the diversion program and what effect enrollment in the program has upon disciplinary actions instituted by the Board.

Discussion then ensued concerning the proper procedure to be followed under these circumstances.

Dr. Lubritz moved that Mr. Quinn send this case back to the Investigative Committee for consideration as to further action. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Proposal of Settlement of Nevada State Board of Medical Examiners vs. Dan Lael Eisenberg, M.D., Case No. 04-8717-1**

Mr. Quinn stated this is a case involving surgery performed on the wrong patient due to a procedural error by his office staff. No harm was done to the patient and the patient continues to see Dr. Eisenberg as his primary physician. Dr. Eisenberg admitted his fault and has changed the procedures in his office to ensure this does not happen again in the future. There are no other disciplinary actions against Dr. Eisenberg. The settlement agreement before the Board was presented to the Investigative Committee for consideration and the Committee approved it.

Dr. Hug-English stated that in other cases where a physician has acknowledged he or she has made a mistake, the Board has at least issued a public reprimand.

Dr. Baepler said that in this case, it was system failure rather than physician failure, and the system has been completely corrected.

Mr. Quinn stated the reason he is advocating this type of disposition in this case is that protection of the public is accomplished from the standpoint that the procedure that led to the defect has been remedied and by virtue of the complaint being filed, the public will know that this physician was involved in a situation where he made a mistake, and there is no need here to sanction the physician.

Dr. Anwar stated that the physician's responsibility in this case is indirect responsibility, as he was unaware there was a problem with the procedures in his office until this incident, and that fact should be considered in the Board's deliberation when deciding what punitive measure, if any, needs to be taken.

Dr. Montoya moved that the Board approve the proposed settlement stipulation and agreement. Dr. Jones seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating Board members, including the Chair, voted in favor of the motion to accept the proposed Stipulation for Settlement. The Stipulation for Settlement in the matter of the *Nevada State Board of Medical Examiners vs. Dan Lael Eisenberg, M.D.* was accepted unanimously.

**- Proposal of Settlement of Nevada State Board of Medical Examiners vs. Richard L. Wagner, M.D., Case No. 04-5061-1**

Mr. Quinn stated this case involved the performance of an unnecessary biopsy and falsification of medical records. Mr. Quinn described the case in detail for the Board members. He then stated the substance of the settlement is that the claim of unnecessary surgery will be dismissed and the charge of falsification of records will be resolved on the basis that it is a record-keeping violation. The physician will receive a public reprimand and pay the costs of investigation.

Dr. Baepler stated this is a situation involving more than a simple record-keeping mistake, it is more serious, and asked if stronger language could be used in wording the public reprimand.

Discussion ensued concerning how changes could be made to the settlement agreement.

Mrs. Kirch moved that this matter be referred back to the Investigative Committee for further action. Dr. Lubritz seconded the motion, and Dr. Hug-English took a roll call for the vote. All adjudicating Board members, including the Chair, voted in favor of the motion to refer the matter of the *Nevada State Board of Medical Examiners vs. Richard L. Wagner, M.D.* back to the Investigative Committee for further action.

**- Proposal of Settlement of *Robert Rutledge, M.D. vs. Nevada State Board of Medical Examiners*, Case No. CV03-05715**

Mr. Quinn explained the history of the case. When Dr. Rutledge first applied to the Board for a license in 2002, the Licensing Division discovered information which indicated he had untruthfully answered a question on his application, and the Board allowed him to withdraw his application. He reapplied in 2003 with a corrected answer to the same question on the application. Upon consideration, the Board denied his application based upon the incorrect answer given on his 2002 application. Dr. Rutledge appealed the Board's action to the District Court, and the District Court ruled that the Dr. Rutledge's 2002 answer was truthful and that the Board's action was unlawful and erroneous on the basis that the Board acted improperly in taking action on Dr. Rutledge's 2003 application based upon his 2002 application, which the Board allowed him to withdraw, and remanded the 2003 application to the Board for consideration in accordance with the Court's finding. Mr. Quinn has filed an appeal of that decision to the Nevada Supreme Court and is awaiting a decision. In the meantime, he has reached a potential settlement which provides for the issuance of a license to Dr. Rutledge in exchange for releasing the Board and its members and representatives from any possible liability and exposure from a lawsuit. Mr. Quinn expressed concern that the ground of legal estoppel that the District Court relied upon may have some merit and Dr. Rutledge may prevail on appeal.

Discussion ensued concerning the proposed settlement and the possible consequences if the Board chose not to accept it, and also regarding procedure the Board should follow in the future to avoid situations like this in the future.

Dr. Montoya moved to approve the settlement agreement, which includes granting Dr. Rutledge a license to practice medicine in Nevada. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**RECESS**

Dr. Hug-English recessed the meeting for lunch at 1:50 p.m.

**RECONVENE**

Dr. Hug-English reconvened the meeting at 2:28 p.m.

Agenda Item 15 **(CONTINUED)**

**REPORTS**

- Diversion Program - *Quarterly Report* - Timothy D. Coughlin, President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, and Dan Hickey, P.A.-C, Advisory Committee Members
  - Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
  - Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson  
Joel N. Lubritz, M.D., Chairperson
    - Consideration of Cases Recommended for Closure by the Committees
    - Status of Investigative Case Load
  - Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting
    - Jaculine C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.
  - Nevada State Medical Association Liaison Report
    - Stephen K. Montoya, M.D.
  - Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
    - Consideration of Proposed Budget for Fiscal Year 2004 – 2005
    - Status of Finances
  - Consideration of 2003 Board Annual Report

**- Physician Assistant Advisory Committee – John B. Lanzillotta, P.A.-C;**

John B. Lanzillotta, P.A.-C thanked the Board for its support in amending the statutes to allow Physician Assistants to pronounce death and asked for additional support from the Board to change the statutes to allow Physician Assistants to sign death certificates. These two amendments would alleviate any additional trauma for families that results from a delay in pronouncement of death and signing of a death certificate.

Agenda Item 20

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE**

Dr. Lubritz moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**CLOSED SESSION**

**20(a) Herschel Martin Schwartz, M.D.**

Upon returning to Open Session, Dr. Lubritz moved that the Board approve Herschel Martin Schwartz, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(b) Rodger Mah, M.D.**

Upon returning to Open Session, Dr. Montoya moved that the Board approve Rodger Mah, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(c) Kenneth Beckman, M.D.**

Upon returning to Open Session, Dr. Montoya moved to grant Kenneth Beckman, M.D. an administrative license. Mrs. Kirch seconded the motion, and it carried unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(d) James Flowers, M.D.**

Upon returning to Open Session, Dr. Baepler moved that the Board deny James Flowers, M.D.'s application for licensure based upon the history of discipline and restrictions on his license in Wisconsin. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(e) Aaron Goldfein, M.D.**

Upon returning to Open Session, Dr. Anwar moved that the Board decline to exercise its discretion to grant licensure by endorsement to Aaron Goldfein, M.D. Mrs. Kirch seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(f) Johannes Ramirez, M.D.**

Upon returning the Open Session, Dr. Montoya moved that the Board approve Johannes Ramirez, M.D.'s application for licensure. Dr. Baepler seconded the motion, and the motion carried, with Dr. Jones and Mrs. Kirch opposed and the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it carried unanimously.

**20(g) Robert Greenhalgh, M.D.**

Upon returning to Open Session, Dr. Montoya moved that the Board decline to exercise its discretion to grant licensure by endorsement to Robert Greenhalgh, M.D. Mrs. Kirch seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(h) Carmela Cipollina, M.D.**

Upon returning to Open Session, Dr. Jones moved that the Board decline to exercise its discretion to grant licensure by endorsement to Carmela Cipollina, M.D. Mrs. Kirch seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(i) Ned Stanley Stoughton, M.D.**

Upon returning the Open Session, Dr. Montoya moved that the Board approve Ned Stanley Stoughton, M.D.'s application for licensure. Dr. Jones seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Agenda Item 18

**INFORMATIONAL APPEARANCE BY DR. EDSON O. PARKER, M.D. OF THE PAIN INSTITUTE OF NEVADA, CONCERNING HEALTH CARE PRACTITIONERS' USE OF TERM, "BOARD CERTIFIED IN PAIN MANAGEMENT" IN ADVERTISING**

- Edson O. Parker, M.D.

Dr. Parker appeared before the Board via teleconference from Las Vegas. He stated that the issues he addressed in the letter included in the Board's agenda packet should be applicable to all medical specialties, although pain management is his primary concern. He stated that some physicians who advertise as being "board certified" in pain management have no training in pain management. As of two years ago, a physician could send in \$250 and secure a certification in pain management from the American Academy of Pain Management. This is totally inadequate and the Ninth Circuit Court of Appeals recently ruled that certifications from the American Academy of Pain Management are invalid.

Dr. Baepler stated this is true for any medical specialty and thinks the Board members would all generally agree with Dr. Parker's idea.

Dr. Hug-English stated Dr. Parker's letter and appearance were timely as the Board will be considering matters for the next legislative session and this is something the Board may want to consider including in their list of initiatives.

Agenda Item 20 **(CONTINUED)**  
**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS  
FOR LICENSURE**

Dr. Montoya moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**CLOSED SESSION**

**20(j) Ralph Thomas Scott, M.D.**

Upon returning the Open Session, Dr. Anjum moved that the Board approve Ralph Thomas Scott, M.D.'s application for licensure. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(k) Ugochukwu Nwaeze, M.D.**

Upon returning to Open Session, Mrs. Kirch moved that the Board grant a limited license to Ugochukwu Nwaeze, M.D. to participate in the Family Practice residency program at the University of Nevada School of Medicine in Las Vegas, Nevada. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(l) Hamid Haider, M.D.**

Upon returning to Open Session, Dr. Anjum moved that the Board grant a limited license to Hamid Haider, M.D. to participate in the Internal Medicine residency program at the University of Nevada School of Medicine in Las Vegas, Nevada. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(m) Jocelyn DeGuzman, M.D.**

Upon returning the Open Session, Mrs. Kirch moved that the Board grant Jocelyn DeGuzman, M.D.'s application for licensure subject to her obtaining a valid VISA. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(n) William Aaron Ross, M.D.**

Upon returning to Open Session, Dr. Lubritz moved that the Board grant a limited license to William Aaron Ross, M.D. to participate in the Surgery residency program at the University of Nevada School of Medicine in Las Vegas, Nevada, contingent upon Dr. Ross entering into a contract with the diversion program in Nevada. Dr. Montoya seconded the motion, and it passed, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(o) Daphne Kay Solis, M.D.**

Upon returning to Open Session, Dr. Jones moved that the Board approve Daphne Kay Solis, M.D.'s application for licensure, effective July 1, 2004, subject to her completing her third year of residency. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(u) Mory Nouriani, M.D.**

Upon returning to Open Session, Dr. Montoya moved that the Board grant Mory Nouriani, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(x) William Koopmans Summers, M.D.**

Upon returning to Open Session, Dr. Anwar moved that the Board approve William Koopman Summers, M.D.'s application for licensure, subject to his successful passage of a peer review, at his own expense. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed unanimously.

**20(r) Michael McQueen, M.D.**

Upon returning to Open Session, Dr. Anwar moved to approve Michael McQueen, M.D.'s application for licensure. Dr. Baepler seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(p) Constance Brown, M.D.**

Upon returning to Open Session, Dr. Montoya moved to approve Constance Brown, M.D.'s application for licensure. Dr. Lubritz seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(q) Dil Tahera, M.D.**

Upon returning to Open Session, Dr. Baepler moved that the Board grant a limited license to Dil Tahera, M.D. to enter the University of Nevada, Las Vegas for her second year of postgraduate training in the Department of Psychiatry. Dr. Anjum seconded the motion, and the motion carried, with Dr. Hug-English, Mrs. Kirch and Dr. Montoya opposed.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed unanimously.

**20(s) Robert Mulert, M.D.**

Upon returning to Open Session, Dr. Baepler moved that the Board approve Robert Mulert, M.D.'s application for licensure. Dr. Montoya seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(t) Jeffrey Joyce, M.D.**

Upon returning to Open Session, Dr. Baepler moved to deny Jeffrey Joyce, M.D.'s application for licensure based upon the disciplinary action taken against his license in another state, which is still in effect. Mrs. Kirch seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(v) David Kramer, M.D.**

Upon returning to Open Session, Dr. Lubritz moved to approve David Kramer, M.D.'s application for status change from inactive to active. Dr. Baepler seconded the motion, and the motion carried, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(w) Jerome Naradzay, M.D.**

Upon returning to Open Session, Dr. Montoya moved to approve Jerome Naradzay, M.D.'s application for licensure. Dr. Anjum seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

**RECESS**

Dr. Hug-English recessed the meeting at 9:55 p.m.

**SATURDAY, JUNE 5, 2004**

***Board Members Present***

Cheryl A. Hug-English, M.D., President  
Jaculine C. Jones, Ed.D., Vice President  
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer  
Joel N. Lubritz, M.D.  
Marlene J. Kirch  
Stephen K. Montoya, M.D.  
Sohail U. Anjum, M.D.  
Javaid Anwar, M.D.

***Board Members Absent***

Charles N. Held, M.D.

***Staff Present***

Drennan A. Clark, J.D., Executive Secretary/Special Counsel  
Laurie L. Munson, Deputy Executive Secretary/  
Information Systems Administrator/Chief of Administration  
Stephen D. Quinn, General Counsel  
Edward O. Cousineau, Deputy General Counsel  
Lynnette L. Krotke, Chief of Licensing  
Michael L. Huse, Investigator (present in Las Vegas)

***Also Present***

Charlotte M. Bible, J.D., Chief Deputy Attorney General  
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care  
Advisory Committee Member (present in Las Vegas)

**RECONVENE**

Cheryl A. Hug-English, M.D., President, reconvened the meeting at 8:05 a.m.

Agenda Item 20 **(CONTINUED)**

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS  
FOR LICENSURE**

Mrs. Kirch moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**CLOSED SESSION**

**20(y) Rohn Clark Rigby, M.D.**

Upon returning to Open Session, Dr. Jones moved that the Board grant a limited license to Rohn Clark Rigby, M.D. to participate in the Family Practice residency program at the University of Nevada School of Medicine in Reno. Mrs. Kirch seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(z) Kori Thompson-Singleton**

Upon returning to Open Session, Dr. Montoya moved to approve Kori Thompson-Singleton, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(aa) Hung-Shing Tsang, M.D.**

Upon returning to Open Session, Dr. Anwar moved that the Board decline to exercise its discretion to issue a license to Hung-Shing Tsang, M.D. by endorsement. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed unanimously.

**20(bb) Marshall Lewis, M.D.**

Upon returning to Open Session, Dr. Anjum moved that the Board decline to exercise its discretion to issue a license to Marshall Lewis, M.D. by endorsement. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anjum moved that the Board approve Marshall Lewis, M.D.'s application for unrestricted license, subject to his successful passage of a peer review, at his own expense. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(cc) Angus MacDonald, M.D.**

Upon returning to Open Session, Dr. Lubritz moved to approve Angus MacDonald, M.D.'s application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(dd) Leonard Harvey, M.D.**

Upon returning to Open Session, Dr. Anwar moved that the Board grant Leonard Harvey, M.D. a license restricted to administrative medicine and issue a letter with the license stating the restriction on the license is purely limited to scope of practice and is not derogatory or disciplinary. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Anwar moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(ee) Cesar Noche, M.D.**

Upon returning to Open Session, Dr. Montoya moved to approve Cesar Noche, M.D.'s application for licensure, subject to appropriate updating of his license application. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(ff) James Davis, M.D.**

Upon returning to Open Session, Dr. Baepler moved that the Board decline to exercise its discretion to issue a license to James Davis, M.D. by endorsement. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved that the Board approve James Davis, M.D.'s application for unrestricted license, subject to his successful passage of a peer review, at his own expense. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(gg) Faith Alverson, P.A.-C**

Upon returning to Open Session, Dr. Jones moved that the Board approve Faith Alverson, P.A.-C's application for licensure, with active/not working status until she is employed by a supervising physician. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Jones seconded the motion, and it passed unanimously.

**20(hh) Munawar Ali Qurashi, M.D.**

Upon returning to Open Session, Dr. Anjum moved that the Board approve Munawar Ali Qurashi, M.D.'s application for licensure. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Jones moved to return to Closed Session for the same purposes stated before. Dr. Lubritz seconded the motion, and it passed unanimously.

**20(ii) John Anderson, M.D.**

Upon returning to Open Session, Dr. Lubritz moved that the Board grant a special purpose license to John Anderson, M.D. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to return to Closed Session for the same purposes stated before. Dr. Anwar seconded the motion, and it passed unanimously.

**20(jj) Jeffrey Marcovitch, M.D.**

Upon returning to Open Session, Mrs. Kirch moved to approve Jeffrey Marcovitch, M.D.'s application for licensure, with the stipulation that he maintain his Board certification in Family Practice. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to return to Closed Session for the same purposes stated before. Dr. Montoya seconded the motion, and it passed unanimously.

**20(kk) Venugopal Gadipudi, M.D.**

Upon returning to Open Session, Dr. Hug-English recommended to Venugopal Gadipudi, M.D. that he withdraw his application because it would not be reportable if he did so, whereas if he pursued his application, the Board might deny it and that would be reportable. She explained to Dr. Gadipudi that the Board was concerned by the number of years and attempts it took for him to pass the required medical examinations and also that there may be communication issues with patients, as he was difficult to understand. Dr. Gadipudi opted to withdraw his application.

Dr. Anjum moved to return to Closed Session for the same purposes stated before. Mrs. Kirch seconded the motion, and it passed unanimously.

**20(II) Roger McClellan, M.D.**

Upon returning to Open Session, Dr. Anjum moved that the Board grant a special purpose license to Roger McClellan, M.D. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

**DISCUSSION OF AMERICAN PSYCHIATRIC INSTITUTE SELF-ASSESSMENT EXAMINATION INsofar AS IT SATISFIES THE REQUIREMENTS FOR LICENSURE**

- Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Dr. Baepler reported to the other Board members that the American Psychiatric Institute Self-Assessment Examination is not recognized by the American Board of Medical Specialties, and therefore does not satisfy the examination requirement for licensure.

Agenda Item 13

**CONSIDERATION OF REQUEST BY JEFFREY W. MAST, M.D. AND NORTHERN NEVADA MEDICAL CENTER TO GRANT TEMPORARY LICENSURE TO OUT-OF-STATE ORTHOPEDIC SURGEONS TO ASSIST WITH RECONSTRUCTIVE HIP SURGERIES**

- Drennan A. Clark, Executive Secretary/Special Counsel

This agenda item was deferred to the September 2004 meeting.

Agenda Item 14

**BOARD WEBSITE: [www.medboard.nv.gov](http://www.medboard.nv.gov) REPORT**

- Laurie L. Munson, Deputy Executive Secretary/Information Systems Administrator
- Status of Addition of Licensees' Educational History to Licensee Search Module
- Consideration of Additions to Website

This agenda item was deferred to the September 2004 meeting.

Agenda Item 11

**DISCUSSION OF LEGISLATIVE INITIATIVES FOR 2005 LEGISLATIVE SESSION**

- Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Dr. Lubritz asked that the Board consider supporting the initiative proposed by KODN, "Keep Our Doctors in Nevada," for the next legislative session.

Dr. Hug-English suggested the Board obtain more specifics on the initiative before determining whether it should support the initiative. The Nevada Trial Lawyers' Association has circulated a letter in preparation to fight any sort of tort reform in the next legislative session, and the Washoe County Medical Society has responded. It appears there will be a battle and it is important that the Board is well informed on the issue.

Dr. Baepler stated he supports the initiative but would like counsel's opinion as to whether a regulatory board can support or advocate such an issue.

Agenda Item 15 (CONTINUED)

**REPORTS**

- Diversion Program - *Quarterly Report* - Timothy D. Coughlin, President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, and Dan Hickey, P.A.-C, Advisory Committee Members
  - Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
  - Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson  
Joel N. Lubritz, M.D., Chairperson
    - Consideration of Cases Recommended for Closure by the Committees
    - Status of Investigative Case Load
  - Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting
    - Jaculine C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.
  - Nevada State Medical Association Liaison Report
    - Stephen K. Montoya, M.D.
  - Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
    - Consideration of Proposed Budget for Fiscal Year 2004 – 2005
    - Status of Finances
  - Consideration of 2003 Board Annual Report

**- Practitioner of Respiratory Care Advisory Committee – Michael J. Garcia, R.R.T.**

Don Havins stated Michael Garcia was present at the meeting earlier but had to leave.

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,  
Chairperson  
Joel N. Lubritz, M.D., Chairperson**

- Consideration of Cases Recommended for Closure by the Committees
- Status of Investigative Case Load

Dr. Baepler stated that Investigative Committee A considered 112 cases, authorized filing formal complaints in 3 cases, appearances were requested in 2 cases, 4 cases were referred back to investigative staff for further investigation and 103 cases were closed.

Dr. Lubritz stated that Investigative Committee B considered 78 cases, authorized filing formal complaints in 2 cases, 5 cases were sent out for peer review, appearances were requested in 2 cases, 1 case was referred back to investigative staff for investigation and 68 cases were closed.

**- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer  
- Consideration of Proposed Budget for Fiscal Year 2004-2005**

Dr. Baepler stated that the budget is really a “best guess,” and is not set in stone. Adjustments are made throughout the year as needed and significant changes are always brought to the Board for approval. Some items may be budgeted a little high or low, but the important thing is that the bottom line is well within the Board’s revenue projections.

Mr. Clark told the Board that the audit by the Board's outside financial auditors will occur in July and will be presented to the Board at the September meeting.

Mrs. Kirch moved that the Board approve the budget as presented. Dr. Montoya seconded the motion.

Discussion ensued concerning the interest figure and the Board's ten-year note.

A vote was taken on the motion and it passed unanimously, with the Chair voting in favor of the motion.

**- Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting**

- Jacqueline C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.

Dr. Jones stated the meeting was well attended. The Board was well represented at the meeting and Larry Lessly and Richard Legarza gave very nice presentations. She and Dr. Titus went to Capitol Hill and were unable to meet with any of Nevada's representatives, but met with aids about the Internet prescription bill that was before them. Tom Ridge spoke at the meeting and gave a very interesting presentation.

**- Nevada State Medical Association Liaison Report**

- Stephen K. Montoya, M.D.

Dr. Montoya stated he had not yet been to the Nevada State Medical Association, but was very well received when he went to the Clark County Medical Society. They are hungry for knowledge as to what the Board is doing and they are trying to work with us more.

Agenda Item 16

**EXECUTIVE STAFF REPORTS** - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- Consideration of Request for Staff Attendance at Educational Meetings
- Status of Staff Additions and Board Office Space
- Consideration of Approval of Revised *Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual for 2004*
- Informational Items

**- Status of Staff Additions and Board Office Space**

Mr. Clark told the Board a lease was signed for additional space in the building to house the Investigations Division. There will be some modifications made to the office space and Doug has hired two new investigators, who will start July 1, 2004.

**- Consideration of Request for Staff Attendance at Educational Meetings**

Mr. Clark requested authority for Ms. Munson to attend a two-day course in Reno on creating newsletters and brochures and for five investigators to attend a 4-day training course in Kansas City, at a cost \$5,000 for all five.

Dr. Baepler moved to authorize attendance at the aforementioned educational meetings as discussed. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Consideration of Approval of Revised *Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual for 2004.***

Ms. Munson told the Board the bulk of the changes to the manual were minor grammatical corrections and amendments to job titles to better reflect the work the employees in those positions are handling.

Mr. Clark added that new policies will be drafted as a result of the discussion on Friday concerning compensation of employees.

Mrs. Kirch moved to approve the new *Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual for 2004.* Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**Agenda Item 15 (CONTINUED)**

**REPORTS**

- Diversion Program - *Quarterly Report* - Timothy D. Coughlin, President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, and Dan Hickey, P.A.-C, Advisory Committee Members
  - Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
  - Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson  
Joel N. Lubritz, M.D., Chairperson
    - Consideration of Cases Recommended for Closure by the Committees
    - Status of Investigative Case Load
- Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting
  - Jaculine C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.
- Nevada State Medical Association Liaison Report
  - Stephen K. Montoya, M.D.
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
  - Consideration of Proposed Budget for Fiscal Year 2004 – 2005
  - Status of Finances
- Consideration of 2003 Board Annual Report

**- Consideration of 2003 Board Annual Report**

Ms. Munson told the Board that the 2003 Annual Report was prepared in substantially the same format as in prior years, with updated information.

Dr. Jones moved to approve the 2003 Board Annual Report. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 17

- LEGAL REPORTS** - Stephen D. Quinn, J.D., General Counsel  
Edward O. Cousineau, J.D., Deputy General Counsel  
Charlotte M. Bible, J.D., Chief Deputy Attorney General
- Board Ordered Terms, Conditions and Probation Status
  - Board Litigation Status

Mr. Quinn told the Board there were currently seven litigation cases outstanding.

Agenda Item 20 **(CONTINUED)**

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE**

**20(c) Kenneth Beckman, M.D.**

Dr. Hug-English stated for clarification that the license granted to Kenneth Beckman, M.D. is a limited license, but the limitation is not derogatory or a disciplinary action on his license; the license is simply limited to administrative medicine.

Agenda Item 15 **(CONTINUED)**

**REPORTS**

- Diversion Program - *Quarterly Report* - Timothy D. Coughlin, President; Bradley J. Thompson, M.D., Medical Director; Arne D. Rosencrantz, Director, Nevada Health Professionals Assistance Foundation
  - Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, and Dan Hickey, P.A.-C, Advisory Committee Members
  - Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
  - Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson  
Joel N. Lubritz, M.D., Chairperson
    - Consideration of Cases Recommended for Closure by the Committees
    - Status of Investigative Case Load
  - Federation of State Medical Boards of the United States, Inc. 2004 Annual Meeting
    - Jaculine C. Jones, Ed.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; and Stephen K. Montoya, M.D.
  - Nevada State Medical Association Liaison Report
    - Stephen K. Montoya, M.D.
  - Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
    - Consideration of Proposed Budget for Fiscal Year 2004 – 2005
    - Status of Finances
  - Consideration of 2003 Board Annual Report

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,  
Chairperson  
Joel N. Lubritz, M.D., Chairperson**

- Consideration of Cases Recommended for Closure by the Committees
- Status of Investigative Case Load

Mrs. Kirch moved to approve the Investigative Committee Reports. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 19

**LICENSURE RATIFICATION**

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 12 & 13, 2004 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved, since the March 12 & 13, 2004 Board meeting. Dr. Montoya seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 21

**MATTERS FOR FUTURE AGENDA**

Mr. Clark stated the proposed legislative initiatives for the 2005 legislative session, the revised staff compensation policy and the revised staff performance appraisal form will be included on the September 2004 meeting agenda.

Agenda Item 22

**ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS**

Dr. Hug-English stated it had been a great eight years and it had been a privilege to serve with each one of the Board members. She doesn't think the community at large realizes how much effort all the members put forth and knows the Board will continue doing great work. Dr. Montoya stated it had been an honor to serve with her as well.

Dr. Hug-English announced that nominations were open for election of President of the Board.

Dr. Hug-English nominated Dr. Montoya to serve as President. Dr. Baepler seconded the nomination, and it passed unanimously.

Dr. Hug-English announced that nominations were open for election of Vice-President of the Board.

Dr. Baepler nominated Dr. Lubritz to serve as Vice-President. Mrs. Kirch seconded the motion, and it passed unanimously.

Dr. Hug-English announced that nominations were open for Secretary-Treasurer of the Board.

Dr. Montoya nominated Dr. Baepler for another term as Secretary-Treasurer. Dr. Lubritz seconded the motion, and it passed unanimously.

Dr. Hug-English suggested that the Board defer appointments to the Board's committees until the Governor appoints replacement Board members for her and Dr. Jones.

Agenda Item 23

**PUBLIC COMMENT**

Larry Mathias of the Nevada State Medical Association thanked Dr. Hug-English and Dr. Jones for their contributions and their professionalism, especially during political and trying times, and stated he agrees with Dr. Montoya that having a Board member present at Nevada State Medical Association meetings will be helpful. He suggested the Board consider the pain management consensus guidelines for future legislation.

Don Havins of the Clark County Medical Society thanked Dr. Hug-English and Dr. Jones for their eight years of service.

**ADJOURNMENT**

Motion by Dr. Baepler to adjourn. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya adjourned the meeting at 12:30 p.m.