

*** * * A M E N D E D M I N U T E S * * ***
OPEN SESSION BOARD MEETING

**Held in the Conference Room at the offices of the
Nevada State Board of Medical Examiners
1105 Terminal Way, Suite 301, Reno, NV 89502
and videoconferenced to
the conference room of the Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118**

FRIDAY, JUNE 3, 2005 – 8:30 a.m.
and
SATURDAY, JUNE 4, 2005 – 8:30 a.m.

Board Members Present

Stephen K. Montoya, M.D., President
Joel N. Lubritz, M.D., Vice President
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
Marlene J. Kirch
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.
Jean Stoess, M.A.
Cindy Lamerson, 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
Bonnie S. Brand, General Counsel
Edward O. Cousineau, Deputy General Counsel
Robert J. Barnet, M.D., Medical Reviewer
Lynnette L. Krotke, Chief of Licensing
Douglas C. Cooper, Chief of Investigations
Terri L. Ward, Investigator
Michael L. Huse, Investigator (in Las Vegas)

Also Present

Charlotte M. Bible, J.D., Chief Deputy Attorney General
Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
Roger M. Belcourt, M.D., President, Nevada Health Professionals Assistance Foundation
Dan Hickey, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Michael J. Garcia, R.R.T., Practitioner of Respiratory Care Advisory Committee Member (in Las Vegas)

FRIDAY, JUNE 3, 2005

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS – Stephen K. Montoya, M.D., President

The meeting was called to order by President Stephen K. Montoya, M.D., at 8:35 a.m.

Dr. Montoya stated Chief Deputy Attorney General Charlotte Bible was not yet present, but would be joining the meeting later in the morning.

Agenda Item 2

APPROVAL OF MINUTES

- March 4 & 5, 2005 Board Meeting – Open/Closed Sessions
- March 24, 2005 Emergency Telephone Conference Call Board Meeting – Open Session
- April 22, 2005 Emergency Telephone Conference Call Board Meeting – Open Session

Ms. Stoess moved to approve the Minutes of the March 4 & 5, 2005 Board Meeting - Open/Closed Sessions. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to approve the Minutes of the March 24, 2005 Emergency Telephone Conference Call Board Meeting – Open Session. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Ms. Stoess moved to approve the Minutes of the April 22, 2005 Emergency Telephone Conference Call Board Meeting – Open Session. Mrs. Kirch 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
- Set Staff Compensation
 - Joel N. Lubritz, M.D., Vice President and Chairman of the Internal Affairs Committee;
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Open Session

- Introduction of New Board Staff
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- **Annual Review and Discussion of Professional Competency of Staff**
- **Set Staff Compensation**

Mrs. Kirch moved to go into Closed Session to discuss the professional competency of Board staff. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved to table the discussion on this agenda item until Saturday, June 4, 2005. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor.

- Introduction of New Board Staff

Mr. Cooper introduced the Board's new Investigator, Shawna M. Rice, and new Administrative Assistant for Investigations, Rebecca L. Grunau, and presented a brief history of the professional background of each.

Agenda Item 4

REPORT ON STATUS OF THE BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM THROUGH NEVADA BROADCASTERS ASSOCIATION

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

Mr. Clark told the Board there are currently three radio ads and one television ad running in both English and Spanish, and he had received two new radio ads for review from the Nevada Broadcasters Association – one in English and one in Spanish. The Board created a Public Relations Committee to review the previous advertisements and he recommended that the Committee be reinstated, with Ms. Stoess as the Chair, as she has an extensive background in public relations. He would volunteer for the Committee and one other Board member should be appointed.

Dr. Montoya asked Ms. Stoess if she was willing to Chair the Committee, and she indicated she was. Ms. Kirch volunteered to be the third member of the Committee.

Agenda Item 9

APPROVAL OF CONTRACT WITH NEVADA HEALTH PROFESSIONALS ASSISTANCE FOUNDATION FOR THE BOARD'S DIVERSION PROGRAM FOR JULY 1, 2005 THROUGH JUNE 30, 2007

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

Mr. Clark advised the Board that the contract with the Nevada Health Professionals Assistance Foundation for July 1, 2005 through June 30, 2007, at \$150,000 per year, had been presented to, and approved by, the Nevada Board of Examiners.

Dr. Montoya asked whether the Foundation had been seeking out other sources of funding, and Mr. Clark stated they had, but he did not know whether they had received any.

Dr. Baepler stated that the Foundation needs to be made aware that they cannot use any of the Board's funding for legal expenses incurred in any lawsuits against them.

Dr. Montoya said Sunrise Hospital is waiting to see what happens in the Legislature before deciding whether to give money to any programs in addition to those they are already contributing to.

Dr. Lubritz stated he was concerned the Foundation is not fiscally responsible and needs better accountability.

Discussion ensued concerning funding of the diversion program.

Dr. Baepler stated the Board currently contributes 10% of its income to the diversion program, which is too high.

Dr. Montoya suggested that he, Mr. Clark and Dr. Mansky, as well as any other Board members who would like to attend, meet and discuss the diversion program's funding.

Agenda Item 10

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

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

Mr. Clark advised the Board that they had received a second request for approval to moonlight from Gurpreet Padam, M.D., who initially requested approval at the March meeting, but this time the Director of the Family Residency program and the Medical School are supporting her. Based upon an agreement with the Medical School, if the School provides the Board with an appropriate letter of support, the Board will consider the request, and on that basis he recommended the Board approve the request.

Dr. Montoya stated he would like to make a request to the Legislature in 2007 to change the statute to allow the Medical School to make its own decisions concerning applications for moonlighting, rather than bringing them to the Board. Dr. Baepler suggested a combined request to the Legislature from the Board and Medical School.

Ms. Stoess moved that the Board grant Dr. Padam's request to practice outside the University of Nevada School of Medicine's Family Practice Residency Program. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

CONSIDERATION OF REDUCTION IN NUMBER OF CME CREDITS REQUIRED FOR RENEWAL OF LICENSES OF PHYSICIAN MEMBERS OF THE BOARD FOR PARTICIPATION AS MEMBERS OF THE BOARD

- Charles N. Held, M.D., Board Member

Dr. Montoya stated he would not want it to appear that physician Board members are privileged because they are on the Board, so he is not in favor of reducing the number of CME credits required for renewal of physician Board members' licenses.

Dr. Lubritz suggested that if any requirement was to be reduced, it could be the ethics credits.

Dr. Baepler said he was told by several physicians during a hearing on a proposed regulation change several months ago that the ethics courses were some of the most worthless courses they had taken.

Mr. Cousineau stated he receives a lot of inquiries concerning whether courses qualify to receive continuing medical education credits, and in general, continuing medical education credits must be AMA Category 1 approved, so there could be an issue as to whether what the Board does qualifies as AMA Category 1, and it may be seen as disparate treatment.

Dr. Baepler noted the Board gives credits for peer reviews so it would be, in essence, the same type of activity as what Board members do with the Investigative Committees and such.

Dr. Lubritz moved that the Board maintain the current number of required continuing medical education requirements for physician Board members. Dr. Anwar seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF REQUIRING APPLICANTS TO HANDLE THEIR OWN APPLICATIONS FOR LICENSURE

- Jean Stoess, M.A., Board Member

Ms. Stoess stated she had initially requested this item be placed on the agenda for discussion due to the applicant who appeared at the March Board meeting whose wife had completed a large portion of his application and also appeared with him. Her concern was that applicants should be responsible for completion of their own applications. Mr. Clark has since explained to her that applicants are responsible for everything contained in their applications, regardless of how they are completed, so she no longer feels any action is necessary on this item.

Agenda Item 13

CONSIDERATION OF USE OF VERIDOC LICENSURE VERIFICATION SYSTEM

- Lynnette L. Krotke, Chief of Licensing

Ms. Krotke stated that 10 or 12 other states were currently utilizing the VeriDoc system to verify licensure information from other states over the Internet, but she was not comfortable with verifying licensure in this manner. Verification by this method is not direct-source verification, in that it is not coming directly from the boards. Additionally, there is no way to ensure the information in fact came from the boards, as there are no seals or stamps on documents received over the Internet. At this point, the Licensing Division is not accepting these verifications.

Mrs. Kirch moved that the Board not accept VeriDoc licensure verifications or contract with VeriDoc for licensure verification. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 14

CONSIDERATION OF APPROVAL OF SYMPOSIUM IN LAS VEGAS TO DEMONSTRATE BOTOX AND RESTYLANE INJECTIONS

- Lynnette L. Krotke, Chief of Licensing

Ms. Krotke explained that this is a request from a group of physicians who want to come to Las Vegas and perform injections of Botox and Restylane on members of their staff as a demonstration for physicians interested in these procedures. There will be a Nevada-licensed physician, Julio Garcia, M.D., on site while the injections are being done, and physicians who participate will receive AMA Category 1 continuing medical education credits.

Discussion ensued concerning whether the out-of-state physicians who would be performing injections would be required to obtain a Nevada license in order to do so, or whether the statutes allow for an exception for this type of one-time training session, and concerning whether it had been verified that the out-of-state physicians were licensed in another state.

Dr. Anjum moved to approve the symposium with the caveat that all patients be informed prior to treatment that out-of-state physicians will be performing the injections on them and the additional caveat that Dr. Garcia take medical and legal responsibility for any liability that may result from the treatment rendered. Dr. Lubritz seconded the motion, and it passed, with Mrs. Kirch and the Chair opposed.

The Board directed Ms. Krotke to notify the requesters of the Board's requirements upon them in order to hold the symposium and to verify that the out-of-state physicians are duly licensed in some other state.

Agenda Item 15

**DISCUSSION CONCERNING INFORMATION CONTAINED IN LICENSEE LOOKUP
MODULE OF BOARD WEBSITE**

- Javaid Anwar, M.D., Board Member

Dr. Anwar stated the only information that should be available to the public on the Board's website is what is required by Nevada statutes, as that is what the Board voted on at the last meeting. Currently, information regarding malpractice claims against licensees is included on the website, which is information that is not required by Nevada statutes.

Mr. Cooper explained that all malpractice claims, settlements and judgments are reportable to the National Practitioner Data Bank, as part of its disciplinary mode, and that is why it is included on the Board's website.

Discussion ensued concerning the public's use of information regarding malpractice claims against the Board's licensees.

Ms. Bible stated that malpractice claims are not disciplinary actions, they are civil matters.

Dr. Montoya stated that many physicians are concerned about the information contained on the website regarding malpractice claims and settlements because it makes them appear to be bad physicians.

Ms. Stoess moved that the Public Relations Committee get together to discuss this matter and present a recommendation at the next Board meeting. Mrs. Kirch seconded the motion, and the motion failed, with Mrs. Kirch and Ms. Stoess voting in favor and the remaining Board members opposed. Dr. Montoya stated that accordingly, the action taken by the Board at the March meeting remains the Board's policy and the only information regarding actions taken against the Board's licensees that will remain on the website is that which is required by Nevada statutes.

Agenda Item 5

CONSIDERATION OF RENEWAL OF ANNUAL CONTRACT WITH NEVADA BROADCASTERS ASSOCIATION FOR THE BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM FOR OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006

- Robert D. Fisher, President and CEO - Nevada Broadcasters Association

Mr. Clark stated that the current contract with Nevada Broadcasters Association will expire on October 1, 2005, and asked the Board whether they wanted to renew it at that time or have the Public Relations Committee review it and make a recommendation to the Board at its September meeting.

Dr. Montoya stated the Board had been receiving good response to the current advertisements and suggested the current contract be renewed. Ms. Stoess agreed.

Mrs. Kirch moved that the Board renew the contract with Nevada Broadcasters Association for another year, from October 2005 to October 2006. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- Review of Public Comments on, and Consideration of Adoption of Proposed Amendment to NAC 630.560, Increasing the Membership of the Practitioner of Respiratory Care Advisory Committee to Five Members, and NAC 630.050, Concerning Reapplication for Licensure Following a Denial of Application for Licensure

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

- Consideration of Amendment to NRS 630.301(9), to Adopt a Code of Professional Ethics

- Robert J. Barnett, M.D., Medical Reviewer; Drennan A. Clark, Executive Secretary/Special Counsel

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC 630.560, Increasing the Membership of the Practitioner of Respiratory Care Advisory Committee to Five Members, and NAC 630.050, Concerning Reapplication for Licensure Following a Denial of Application for Licensure

Mr. Clark stated that two workshops had been held, one in Reno and one in Las Vegas, and a public hearing was held in Reno, concerning amendment of NAC 630.560 to increase the number of members of the Practitioner of Respiratory Care to five, and amendment of NAC 630.050, to allow the Board discretion to bar an applicant from reapplying for licensure following denial of an application for a period of from one to three years, which would prevent serial applications from an applicant. He then explained that these two regulations were ready for Board approval and if approved, they would become effective immediately because they are temporary regulations at this point due to the Legislature being in session. When the legislative session concludes, the approval process will have to be repeated to make the regulations permanent, so he was also requesting approval from the Board at this time to go through the process to make permanent these two regulation amendments, as well as the regulation amendment approved by the Board previously which sets a time limit and a limit on the number of attempts to pass all three steps of the USMLE.

Dr. Baepler moved to approve the amendments to NAC 630.560 and NAC 630.050 as temporary regulations. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved to authorize Board staff to proceed to take the necessary steps to make the three temporary regulations permanent. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Amendment to NRS 630.301(9), to Adopt a Code of Professional Ethics

Mr. Clark stated that NRS 630.301(9) authorizes the Board to adopt by regulation a Code of Ethics, and Dr. Barnet has done a great job of going through the National Code of Ethics and preparing a succinct draft code of ethics for the Board's review.

Dr. Barnet stated that this portion of the Nevada Revised Statutes was adopted as long as 10 years ago. This issue has come up in Investigative Committee meetings several times a year, as the Investigative Committees want to take action based upon a violation of the code of ethics, but can't because one has never been adopted by the Board. He has attempted to create a document physicians would read and the Board could use in reviewing ethical violations. He feels it is important for the good of the profession and to send a strong message to the public that the Board has integrity and is concerned with the welfare of the public.

Dr. Baepler stated Dr. Barnet did a great job in putting the proposed code of ethics together, but expressed concerns about the breadth of the code as drafted.

Mr. Clark stated that if the Board approves of the code of ethics in general by moving to go forward with drafting a regulation to adopt the code of ethics, Board staff could go through the process and bring the matter back to the Board for approval at the September or December Board meeting.

Dr. Lubritz suggested the Board obtain legal advice before adopting a code of ethics to ensure that it will both serve the public and not leave physicians open to additional lawsuits.

Dr. Barnet stated that both Mr. Clark and Ms. Brand have reviewed the draft and have opined that it is a sound document.

Dr. Anjum suggested a Code could be adopted as a guideline or policy only, and not enforced by statute or regulation.

Dr. Montoya stated that Dr. Barnet drafted the Code of Ethics to fill holes in the statutes.

Ms. Bible stated that the purpose of a code of ethics is to provide ethical guidelines to assist in making determinations as to unethical or disreputable conduct. Much of the language in the draft code of ethics concerning ethical and standard of care issues is already covered in the statutes, and the Board may not want to duplicate what is already contained in the statutes in a code of ethics.

Dr. Barnet explained his intent was to put together the information contained in the statutes and regulations into one concise document so that physicians could easily see what was expected of them and the Board's Investigative Committees would also have that information in one place to assist them in their deliberations.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated he was on the committee in the mid-90s that adopted the language currently in the statute concerning adoption of the national code of ethics, and there was no desire at that time to adopt the National Code of Ethics. There is a bill in committee right now to amend the statute to allow the Board to adopt a code based upon the National Code of Ethics, rather than requiring it adopt the National Code of Ethics.

Dr. Lubritz moved that the Board not move forward with adoption of a code of ethics at this time. Dr. Baepler seconded the motion. Ms. Stoess requested an amendment to the motion to add that the Board would review a new draft of the code of ethics at its September meeting, after review by the Board's attorneys. Dr. Lubritz did not accept the amendment and stated his motion remained as originally moved. Dr. Baepler again seconded the motion, and it passed, with Ms. Stoess and the Chair opposed to the motion.

Mrs. Kirch requested that the Board's attorneys review the current draft of the code of ethics and again present a draft to the Board at its September meeting.

Agenda Item 7

PRESENTATION BY NEVADA DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES CONCERNING DISASTER PREPAREDNESS AND RESPONSE TEAM

- Jeff Whitesides, Statewide Disaster Response Coordinator; Robin Albrandt, Regional Mental Health Disaster Response Team

Jeff Whitesides, Statewide Disaster Response Coordinator for the Nevada Division of Mental Health and Developmental Services, made a presentation to the Board concerning the mental health services that would be offered by Nevada's Mental Health Disaster Response Team during times of large-scale disasters in the state or surrounding states. Their goal is to recruit mental health professionals to establish a roster of those willing to provide mental health services during statewide activations and they are seeking assistance in that area from the Board.

Mr. Whitesides was advised that he could provide information on the program to Ms. Munson for inclusion in an upcoming Board newsletter.

Agenda Item 8

CONSIDERATION OF REQUEST BY CARL HEARD, M.D. AND NEVADA HEALTH CENTERS, INC. TO ADJUST BOARD'S ADMINISTRATIVE PROCEDURE REGARDING FOREIGN MEDICAL GRADUATES

- Carl Heard, M.D., Chief Medical Officer, Nevada Health Centers, Inc.

Dr. Heard, Chief Medical Officer for Nevada Health Centers, Inc., stated they have found foreign medical graduates to be an asset to the public health in rural and underserved areas within the state. When a foreign medical graduate applies for licensure in Nevada, he or she

must also apply for an H1B1 Visa to work in the United States. The Visa process cannot begin until the Board issues a letter to the State Department indicating the physician meets the requirements for licensure in Nevada. Currently, the Board will not issue that letter until it receives written confirmation of completion of the third year of residency, and therefore, it typically takes a year or more for these physicians to become licensed in the state. He is requesting that the Board change its procedure to issue that letter as soon as the Board has completed its processing of the application, regardless of whether it has received confirmation of completion of the third year of residency, in order to speed up the Visa process and allow these foreign medical graduates to obtain their licenses sooner.

Mrs. Kirch and Ms. Krotke both expressed concern with issuing the letter without confirmation of completion of training.

Dr. Baepler moved that the Board decline the request for adjustment of the Board's administrative procedures and continue with the current procedure. Dr. Lubritz seconded the motion, and the motion failed, with Dr. Baepler, Dr. Anjum, Ms. Stoess and the Chair voting in favor of the motion and Dr. Lubritz, Mrs. Kirch, Dr. Anwar and Dr. Lamerson opposed.

Dr. Baepler moved that the Board draft a new letter to the State Department stating that if the individual meets all requirements for licensure in Nevada, which requirements are attached to the letter, the Board will issue a license to that individual. Ms. Stoess seconded the motion, and it passed, with Mrs. Kirch opposed and the Chair voting in favor of the motion.

Agenda Item 16

REPORT ON COMPLIANCE REVIEW PROJECT AND PRESENTATION OF COMPLIANCE TRACKING PROCEDURES

- Douglas C. Cooper, Chief of Investigations; Terri L. Ward, Investigator

Mr. Cooper introduced Terri L. Ward as the new Compliance Review Officer and described the program that has been implemented to monitor compliance with orders issued by the Board.

Ms. Ward explained that a comprehensive review was made of the 240 cases in which a licensee had been issued a fine, was required to pay costs, perform continuing medical education, participate in the Diversion Program, or some other requirement. Of those, 207 were in compliance and 33 were not. She stated staff is asking the Board to approve a change to her position description to include compliance monitoring as part of her duties, and to authorize staff to implement procedures to collect the delinquent balances owed by licensees, which currently total \$158,807.54.

Dr. Baepler stated the change to the job description could be made administratively, but the request for authorization for the collection procedure should be placed on the agenda for the September Board meeting.

Agenda Item 20

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. CRAIG DANIEL CLARK, M.D., BME CASE NO. 04-11909-1

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya described the facts of the case. He stated that when the Board's expert first reviewed the case, he opined Dr. Clark had committed malpractice. A formal complaint was filed against Dr. Clark. The Board's expert reaffirmed his position prior to the hearing; however, at the hearing, the expert changed his opinion and testified that Dr. Clark did not commit malpractice. Discussion ensued.

Dr. Lubritz moved that the Board find Craig Daniel Clark, M.D. did not commit malpractice, and that the case be dismissed. Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Agenda Item 21

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. JUAN MANZUR, M.D., BME CASE NO. 04-9342-1

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya described the facts of the case. Ms. Bible read Count I of the formal complaint against Dr. Manzur.

Dr. Baepler moved that the Board find Juan Manzur, M.D. guilty of Count I of the formal complaint against him for engaging in conduct that brings the medical profession into disrepute, a violation of NRS 630.301(9). Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Ms. Bible read Count II of the formal complaint against Dr. Manzur.

Dr. Baepler moved that the Board find Juan Manzur, M.D. guilty of Count II of the formal complaint against him as there is clear and convincing evidence that Dr. Manzur is unable to practice medicine with reasonable skill and safety due to mental illness and/or his use of drugs, narcotics or other substances, a violation of NRS 630.306(1). Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Dr. Baepler moved that the Board revoke Juan Manzur, M.D.'s license to practice medicine and recover all fees and costs associated with the case from Dr. Manzur, to be paid within 90 days of the Board's order. Dr. Anjum seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Agenda Item 17

REPORTS

- Legislative Update - Keith L. Lee, Esq., Legislative Counsel
- Diversion Program - Quarterly Report - Peter Mansky, M.D., Executive Director, Nevada Health Professionals Association
- Physician Assistant Advisory Committee - John P. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
 - Consideration of Recommendations for Appointment to Advisory Committee
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
Joel N. Lubritz, M.D., Vice President, Chairperson, Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
 - Status of Investigative Caseload
- Nevada State Medical Association Liaison Report - Stephen K. Montoya, M.D.; Lawrence P. Matheis, Executive Director of the Nevada State Medical Association
- Clark County Medical Society Liaison Report - Stephen K. Montoya, M.D., President; Weldon Havins, M.D., J.D., CEO and Special Counsel, Clark County Medical Society
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member; Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances
- National Association of Drug Diversion Investigators (NAADI) Training, April 25-27, 2005, Las Vegas, NV
Douglas C. Cooper, Chief of Investigations
- Administrators in Medicine's *Physician Licensing, Technology & Investigations Workshops*, April 27-29, 2005, Albuquerque, N.M. - Carolyn H. Castleman, Deputy Chief of Licensing; Pamela J. Castagnola, Deputy Chief of Investigations
- Administrators in Medicine's 2005 Annual Meeting, May 11, 2005, Dallas, TX - Drennan A. Clark, J.D., Executive Secretary/Special Counsel
- Federation of State Medical Boards of the United States, Inc.'s 2005 Annual Meeting, May 12-14, 2005, Dallas, TX
Stephen K. Montoya, M.D., President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

- Physician Assistant Advisory Committee

John Lanzillotta, P.A.-C explained that the Physician Assistant Advisory Committee is concerned that under current laws, physician assistants might be held in violation of the Medical Practice Act for practicing without supervision when rendering assistance in an emergency situation because they are not covered by the state's Good Samaritan law or any other laws which would apply to those situations. Accordingly, they would like to amend Nevada statutes to specifically allow physician assistants to render emergency assistance without supervision. He has provided to the Board AAPA draft model language that could be used to amend the laws.

Ms. Bible read NRS 41.505. Discussion ensued concerning whether the statute covers physicians and physician assistants.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated that when care is rendered gratuitously and done in response to an emergency situation, physicians are covered under the law. Ms. Bible stated that although that is true, physician assistants are not specifically covered under the law. Mr. Matheis suggested either the Physician Assistant Advisory Committee or the State Medical Association could request legislation to make the change in the next session. Ms. Bible read paragraph 2 of NRS 41.505 and stated that may cover physician assistants. She suggested the Physician Assistant Advisory Board review the statute and if it is determined physician assistants are not covered, they could come back to the Board for further consideration.

- Practitioner of Respiratory Care Advisory Committee
- Consideration of Recommendations for Appointment to Advisory Committee

Michael J. Garcia, R.R.T. provided a brief biography of the two Practitioners of Respiratory Care the Committee was requesting the Board appoint to the Practitioner of Respiratory Care Advisory Committee, John Steinmetz, M.B.A., R.R.T., and Greg Roaldson, R.R.T., and asked that the Board approve their appointments.

Mrs. Kirch moved that the Board approve the appointments to the Practitioner of Respiratory Care Advisory Committee as recommended by the Committee. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**INVESTIGATIVE COMMITTEES – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,
Chairperson, Investigative Committee A**
**Joel N. Lubritz, M.D., Vice President, Chairperson,
Investigative Committee B**

- Consideration of Cases Recommended for Closure by the Committees

- Consideration of Cases Recommended for Closure by Committees

Dr. Baepler reported that Investigative Committee A considered 71 cases, authorized filing formal complaints in 3 cases, appearances were requested in 4 cases, 2 cases were sent out for peer review, 4 cases were referred back to investigative staff for further investigation and 58 cases were recommended for closure.

Dr. Lubritz reported that Investigative Committee B considered 89 cases, authorized filing formal complaints in 4 cases, 1 case was sent out for peer review, appearances were requested in 2 cases, 5 cases were referred back to investigative staff for further investigation and 77 cases were recommended for closure.

Dr. Anjum moved to approve for closure the cases recommended by the Investigative Committees. Dr. Anwar seconded the motion, and the motion carried unanimously, with the Chair voting in favor of the motion.

- **Investigations Division**
 - **Status of Investigative Caseload**

Mr. Cooper stated there were 646 open cases prior to the most recent meetings of the Investigative Committees, and after closing those recommended by the Investigative Committees, there will be 511, with 89 new cases to be opened. After this meeting, there will be 85 cases per investigator, which is the first significant drop in a quite some time. The number of investigators remains the same. There are still a lot of Clark County cases to pull for review, and he will be hiring temporary help to assist with that.

- **Nevada State Medical Association Liaison Report**

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, reported their annual meeting was held in Sparks several weeks ago. There was discussion concerning legislation and the outcome of the liability ballot questions, and a number of resolutions were adopted, none of which he thinks involve the Board.

- **Clark County Medical Society Liaison Report**

Dr. Montoya reported the Clark County Medical Society is concerned with the University of Pittsburgh's plans to open a Center of Excellence in Las Vegas and completely exclude local physicians. They are happy with what the Board is doing and has similar issues before the Legislature.

- **Washoe County Medical Society Liaison Report**

Dr. Lamerson stated nothing pertinent to the Board was addressed at the most recent Washoe County Medical Society meeting. They were concerned by an advertisement asking anyone who had been assaulted by an OB/Gyn to contact the organization sponsoring the advertisement. Mr. Cooper stated the Investigations Division looked into the advertisement and found it to be sponsored by a support group for those who have been abused by their OB/Gyns.

- **Secretary-Treasurer**
 - **Status of Finances**

Dr. Baepler stated the figures on the balance sheets provided to the Board do not reflect the end of May figures; rather, they reflect figures from approximately mid-May. With six weeks left in the fiscal year, it is not an accurate view because all the money the Board is collecting now is to be counted against expenses beginning July 1, so it provides a false sense of where the Board's finances currently stand. The investigations budget is overextended due to the hugely increased caseload, which was unforeseen when the budget was drafted; however, the Board's finances are in good shape and are where they were anticipated to be. The Board's reserve will have been reduced by a quarter of a million dollars and the Board will meet its target on June 30. The reserves will be further reduced by another half a million during the next biennium.

- National Association of Drug Diversion Investigators (NAADI) Training, April 25-27, 2005, Las Vegas, NV

Mr. Cooper told the Board he would like to continue to keep the dues paid for one person to go once a year to training.

- Administrators in Medicine's *Physician Licensing, Technology & Investigations Workshops*, April 27-29, 2005, Albuquerque, N.M.

Ms. Krotke reported that she and Deputy Chief of Licensing Carolyn Castleman attended the Licensing and Technology modules of the training. They compared information concerning how the various boards verify information for licensure, and Nevada is very strong. The Board's technology is a little behind, however, with respect to interaction with the public, in that documents related to disciplinary actions are not available online and the Board does not currently offer online licensure.

Ms. Castagnola reported the Investigations module of the training covered background checks, collaboration between agencies during investigations, organization of investigative staff, and ethical issues concerning email and faxes and what information is privileged or subject to discovery.

- Administrators in Medicine's 2005 Annual Meeting, May 11, 2005, New Orleans, LA

Mr. Clark reported Administrators in Medicine (AIM) will institute an online system accessible by board counsel from all states to allow them to query each other and share information on questions that come before them, and offer a training program with certification for investigators.

- Federation of State Medical Boards' Annual Meeting, May 12-14, 2005, Dallas, TX

Dr. Montoya stated that physician competency will be coming back to the forefront soon, as the Annual Meeting focused on that issue quite extensively.

Mr. Cousineau stated the meeting was tailored more towards physicians than anyone else and the breakout session for attorneys was not terribly beneficial, although some good contacts with other state boards were made.

RECESS

Dr. Montoya recessed the meeting for lunch at 12:45 p.m.

RECONVENE

Dr. Montoya reconvened the meeting at 1:30 p.m.

Agenda Item 22

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. SCOTT SOUTHARD, M.D., BME CASE NO. 04-6292-1

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya described the facts of the case. Dr. Southard surgically repaired a patient's Achilles tendon, and the patient subsequently died from an embolism a month post surgery. Discussion ensued.

Dr. Lubritz moved that the Board find that Scott Southard, M.D.'s care of the patient did not fall below the standard of care ordinarily used under similar circumstances and he did not commit malpractice. Dr. Southard exercised his best medical judgment at the time and there were mitigating factors, in that the patient did not advise Dr. Southard he was having pain in the area of his surgery and he had taken two trips to San Francisco following his surgery. Additionally, the autopsy did not conclude the embolism originated in his leg and was DVT. Accordingly, Dr. Southard was not guilty of malpractice. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 23

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ALVARO DEVIA, M.D., BME CASE NO. 04-12275-1

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Dr. Montoya described the facts of the case. Dr. Devia treated the patient following a motorcycle accident, which included performing tests and admitting the patient to the hospital for observation for 24 hours. Despite negative changes in the patient's tests the following day, Dr. Devia released the patient, who later went into cardiac arrest and died. Discussion ensued.

Dr. Anjum moved that the Board find Alvaro Devia, M.D. guilty of one count of malpractice for failing to use the reasonable care, skill or knowledge ordinarily used in similar circumstances in the treatment of the patient, a violation of NRS 630.301(4). Dr. Devia did not follow protocol concerning the tests run on the patient, did not properly analyze the test results, and discharged the patient from the hospital without being fully informed as to the condition of the patient. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved that the Board impose a fine upon Dr. Devia in the amount of \$5,000, payable within 6 months of the Board's order, successfully complete 20 hours of continuing medical education in chest trauma, in addition to continuing medical education hours required for licensure, within 1 year of the Board's order, and pay all administrative fees and costs incurred in the investigation and prosecution of the case against him, payable within 6 months of the Board's order. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 28

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

Dr. Baepler 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.

CLOSED SESSION

28(a) Ramanathan Prakash, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Ramanathan Prakash, M.D., who appeared before the Board on his application for licensure by endorsement. Dr. Lubritz asked him what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure because he is not Board Certified and he has not passed a major examination within the last 10 years, and Dr. Prakash could cite none.

Mrs. Kirch moved to return to Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning the Open Session, Dr. Lubritz moved that the Board decline to exercise its discretion to grant licensure by endorsement to Ramanathan Prakash, M.D. or to grant him a peer review, as he does not bring any special expertise to the state that the state does not already have. Mrs. Kirch seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Montoya suggested to Dr. Prakash that if he wanted to reapply, he should read Nevada's statutes thoroughly before doing so.

Agenda Item 24

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL
EXAMINERS vs. ANGELICA HONSBURG, M.D., BME CASE NO. 04-10514-1**

- Bonnie S. Brand, J.D., General Counsel

OPEN SESSION

Dr. Montoya described the facts of the case. Dr. Honsberg had treated a patient in the UMC emergency room who arrived there by ambulance exhibiting signs of stroke. The patient's condition deteriorated to the point where the patient's family withdrew medications and further efforts to prolong life and the patient expired. The Board's complaint alleged Dr. Honsberg committed malpractice by administering heparin to the patient when the patient had received TPA less than three hours earlier.

Dr. Lubritz moved that the Board find Angela Honsberg, M.D. did not fail to exercise the degree of care, skill and knowledge ordinarily used under similar circumstances. There were no protocols in the Las Vegas area hospitals at the time for treatment of ischemic stroke with TPA.

Dr. Honsberg had conducted research to find the most recent articles concerning use of TPA in stroke patients prior to ordering heparin be administered, and could find nothing conclusive. The NINDS study was a clinical trial and did not provide specific protocols. Additionally, the patient had a stroke score of 21, which carried a high risk for poor outcome. Based upon those findings, Dr. Lubritz moved that the case be dismissed. Mrs. Kirch seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 25

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ELLIOTT SCHMERLER, M.D., BME CASE NO. 04-9279-1

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau stated that Dr. Schmerler's license was currently revoked and Dr. Schmerler hoped to re-obtain licensure in Nevada in the future. Following filing of this case against Dr. Schmerler, Dr. Schmerler advised Mr. Cousineau he was not going to hire counsel to represent him in this matter, and that he would like to settle the case by completing 16 hours of continuing medical education. Mr. Cousineau took Dr. Schmerler's settlement proposal to the Investigative Committee. The Committee refused the offer, but offered to accept 1 count of malpractice against Dr. Schmerler, a public reprimand to Dr. Schmerler and payment of all costs associated with the case. Dr. Schmerler agreed to the settlement and it is now before the Board for consideration.

Dr. Baepler moved that the Board accept the terms of settlement, as outlined by Mr. Cousineau, find Elliott Schmerler guilty of one count of malpractice for failing to use the reasonable care, skill or knowledge ordinarily used under similar circumstances in providing care or treatment to a patient, a violation of NRS 630.301(4), issue a public reprimand to Dr. Schmerler and that Dr. Schmerler pay all costs and fees associated with the case against him. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 26

CONSIDERATION OF DISMISSAL OF COMPLAINT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. BRUCE OGDEN, M.D., BME CASE NO. 04-6039-1

- Edward O. Cousineau, J.D., Deputy General Counsel

OPEN SESSION

Mr. Cousineau stated the case had originally been former General Counsel Stephen Quinn's case. Investigative Committee B authorized filing a formal complaint against Dr. Ogden in March of 2004 and set the matter for pre-hearing and hearing. The Board's Peer Reviewer, Dr. Zucker, originally opined malpractice had occurred, but upon subsequently receiving additional information, opined malpractice had not been committed by Dr. Ogden.

Dr. Baepler stated the Investigative Committee determined it could not find Dr. Ogden failed to use reasonable care under those circumstances and therefore there is no basis to proceed with the case against Dr. Ogden.

Dr. Anjum moved that the Board dismiss the case against Dr. Ogden. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 28 **(CONTINUED)**
**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

Dr. Anjum moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Mrs. Kirch seconded the motion, and it passed.

CLOSED SESSION

28(b) Elliott Saferin, M.D.

Upon returning to Open Session, Dr. Baepler questioned Elliott Saferin, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12, 13 and 31 on his application for licensure and regarding his medical training.

Dr. Saferin described his medical training and stated it was progressive. He described the circumstances surrounding the malpractice claims against him, as well as the cases against him for insurance fraud, hostile work environment and sexual harassment.

Mrs. Kirch moved to return to Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board grant Elliott Saferin, M.D.'s application for licensure. Dr. Anjum seconded the motion, and it passed, with Dr. Lubritz, Mrs. Kirch and Dr. Lamerson 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. Anwar seconded the motion, and it passed.

28(c) Arnel Garcia, M.D.

Upon returning to Open Session, Dr. Lamerson questioned Arnel Garcia, M.D., who appeared before the Board on his application for licensure by endorsement. Dr. Lamerson asked him what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure because he is not Board Certified and he hasn't passed a major examination within the last 10 years, and Dr. Garcia could cite none.

Mrs. Kirch moved to return to Closed Session. Dr. Lubritz seconded the motion, and it passed.

Upon returning to Open Session, Dr. Lamerson moved that the Board decline to exercise its discretion to grant licensure by endorsement to Arnel Garcia, M.D. or to grant him a peer review. Dr. Baepler seconded the motion, and the motion 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.

28(d) Ralph Fenn, M.D.

Dr. Fenn appeared with Steven Zuchowski, M.D., Director of the Psychiatry Residency Program at the University of Nevada School of Medicine. Ms. Stoess questioned Dr. Fenn concerning his affirmative response to Question 19 on his application for licensure.

Dr. Fenn described his past residency training and explained the circumstances surrounding his being placed on academic probation during his pathology residency at Stanford University.

Dr. Zuchowski stated he supported Dr. Fenn's application for licensure.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Ms. Stoess moved to grant a limited license to Ralph Fenn, M.D. to participate in the University of Nevada School of Medicine Psychiatry Residency Program. Mrs. Kirch seconded the motion, and it 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.

28(e) Brian Spencer, P.A.-C

Upon returning to Open Session, Ms. Stoess questioned Brian Spencer, P.A.-C, who appeared before the Board to respond to questions concerning his affirmative responses to Questions 13, 21, 22 and 24 on his application for licensure.

Mr. Spencer explained the circumstances surrounding the spousal abuse charges against him, which were later dismissed, and his arrest in California for possession of and being under the influence of a narcotic, and described his participation in the California diversion program.

Dr. Baepler moved that the Board grant Brian Spencer, P.A.-C's application for licensure contingent upon continued participation in the Nevada Diversion Program. Ms. Stoess 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. Ms. Stoess seconded the motion, and it passed.

28(f) Kord Strebel, M.D.

Upon returning to Open Session, Dr. Montoya questioned Kord Strebel, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 19 on his application for licensure.

Dr. Strebel explained the circumstances surrounding his being placed on probation during his residency at Wright State University.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar moved that the Board grant Kord Strebel, M.D.'s application for licensure. Dr. Lamerson 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.

28(g) Sanjeev Suri, M.D.

Sanjeev Suri, M.D. appeared before the Board on his application for licensure.

Upon returning to Open Session, Dr. Anwar advised Dr. Suri that the Board had received confirmation of the continuing medical education credits required by the Board and a letter from Dr. Jagarlapudi concerning his observership in Nephrology.

Dr. Anjum asked Dr. Suri if he had had any medical or legal problems since he appeared before the Board in March, and he stated he had not.

Dr. Anwar moved that the Board grant Sanjeev Suri, M.D.'s application for licensure pending issuance of an H1B1 Visa. Dr. Baepler seconded the motion, and it passed, with the Chair voting against the motion.

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

28(i) Srinadh Rao, M.D.

Upon returning to Open Session, Dr. Anjum questioned Srinadh Rao, M.D., who appeared before the Board concerning his affirmative response to Question 13 and negative response to Question 31 on his application for licensure.

Dr. Rao explained the circumstances surrounding his conviction for DUI in 2002, stated his misstatements to Dr. Mansky were due to the fact that he didn't recall the facts surrounding his arrest at the time he met with Dr. Mansky, stated he responded in the negative to Question 31 on his application for licensure because he did not understand the question, and stated he did not self-report because he did not know it was required of him.

Dr. Anjum moved that the Board grant Srinadh Rao, M.D.'s application for licensure contingent upon participation in the Nevada Diversion Program. Ms. Stoess 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.

28(j) Linda Ash-Jackson, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Linda Ash-Jackson, M.D., who appeared before the Board on her application for licensure by endorsement. Dr. Lubritz asked her what circumstances she could cite which would compel the Board to grant her licensure by endorsement when she otherwise doesn't meet the requirements for licensure because she has not passed a major examination within the last 10 years and has not practiced clinical medicine since 1987, and Dr. Ash-Jackson could cite none.

Dr. Ash-Jackson described her background in Administrative Medicine and stated she was going to be taking the Special Purpose Examination. Dr. Lubritz asked if she would be practicing clinical medicine if she passed the Special Purpose Examination, and she stated she might consider going to the University in the future and get additional training so she could practice medicine as a volunteer after she retires. She currently holds a license in Florida and keeps up with continuing medical education. She explained the circumstances surrounding her approvals and denials of referrals for treatment in her current employment and stated she did not consider that to be practicing medicine since she was not in direct contact with patients, but she understands how it might be construed as practicing medicine. She does have an unrestricted medical license in Florida.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Lubritz moved that the Board decline to exercise its discretion to grant licensure by endorsement to Linda Ash-Jackson, M.D. Mrs. Kirch seconded the motion, and the motion passed unanimously, with the Chair voting in favor of the motion.

Dr. Lubritz moved that the Board grant Linda Ash-Jackson, M.D. a restricted license, restricted to the practice of Administrative Medicine, and the license would be contingent upon Dr. Ash-Jackson passing the Special Purpose Examination and completing 20 hours continuing medical education in Internal Medicine within the next three months. Dr. Anwar 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.

28(k) Louis Alpern, M.D.

Upon returning to Open Session, Mrs. Kirch questioned Louis Alpern, M.D., who appeared before the Board on his application for licensure by endorsement. Mrs. Kirch asked him what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure because he has not passed a major examination within the last 10 years, and Dr. Alpern could cite none.

Dr. Alpern told the Board he recently signed up to take a recertification examination in Ophthalmology, but he cannot take it until next year.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

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

Dr. Anjum moved to grant an unrestricted license to Louis Alpern, M.D. pending successful passage of a peer review or board recertification. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

RECESS

Dr. Montoya recessed the meeting at 6:45 p.m.

SATURDAY, JUNE 4, 2005

Board Members Present

Stephen K. Montoya, M.D., President
Joel N. Lubritz, M.D., Vice President
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
Marlene J. Kirch
Sohail U. Anjum, M.D.
Javaid Anwar, M.D.
Jean Stoess, M.A.
Cindy Lamerson, 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
Bonnie S. Brand, General Counsel
Edward O. Cousineau, Deputy General Counsel
Lynnette L. Krotke, Chief of Licensing
Trent S. Hiett, Investigator (in Las Vegas)

Also Present

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

RECONVENE

Stephen K. Montoya, M.D., President, reconvened the meeting at 8:30 a.m.

Agenda Item 17 (CONTINUED)

REPORTS

- Legislative Update - Keith L. Lee, Esq., Legislative Counsel
- Diversion Program - Quarterly Report - Peter Mansky, M.D., Executive Director, Nevada Health Professionals Association
- Physician Assistant Advisory Committee - John P. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Michael J. Garcia, R.R.T., Advisory Committee Member
 - Consideration of Recommendations for Appointment to Advisory Committee
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
 - Joel N. Lubritz, M.D., Vice President, Chairperson, Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
 - Status of Investigative Caseload
- Nevada State Medical Association Liaison Report - Stephen K. Montoya, M.D.; Lawrence P. Matheis, Executive Director of the Nevada State Medical Association
- Clark County Medical Society Liaison Report - Stephen K. Montoya, M.D., President; Weldon Havins, M.D., J.D., CEO and Special Counsel, Clark County Medical Society

Agenda Item 17 (CONTINUED)

REPORTS

- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member;
Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances
- National Association of Drug Diversion Investigators (NAADI) Training, April 25-27, 2005, Las Vegas, NV
Douglas C. Cooper, Chief of Investigations
- Administrators in Medicine's *Physician Licensing, Technology & Investigations Workshops*, April 27-29, 2005, Albuquerque, N.M. - Carolyn H. Castleman, Deputy Chief of Licensing; Pamela J. Castagnola, Deputy Chief of Investigations
- Administrators in Medicine's 2005 Annual Meeting, May 11, 2005, Dallas, TX - Drennan A. Clark, J.D., Executive Secretary/Special Counsel
- Federation of State Medical Boards of the United States, Inc.'s 2005 Annual Meeting, May 12-14, 2005, Dallas, TX
Stephen K. Montoya, M.D., President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

- Legislative Update

Keith L. Lee, Esq., the Board's Legislative Counsel, reported on the various bills before the 2005 Legislature which might affect the Board. The Board's bill, AB 555, takes care of all but one of the Board's legislative issues, which was the requirement that in order for a homeopathic physician to be licensed in Nevada, the licensee must also hold a current license under NRS Chapter 630 or 633. That provision was deleted from AB 555. Additionally, a provision requiring physicians licensed pursuant to NRS 630 and 633 to report to the Board of Medical Examiners and the Board of Osteopathic Medicine on an annual basis all in-office surgeries utilizing several levels of sedation and any seminal events from those surgeries, may be added from AB 120, a bill that is technically dead.

- Diversion Program: Quarterly Report

Peter Mansky, M.D. stated the Nevada Health Professionals Association was pleased with the Board's renewal of their contract. He distributed a report to Board members and told the Board the Diversion Program is working towards increasing its outreach to hospitals, surgical centers and group practices, and they hope to increase the number of referrals to the program as well as funding. Additionally, they hope to increase their involvement with hospitals and group practices to include working with disruptive physicians and those suffering from psychiatric illnesses. They have also implemented a new urine monitoring system. They currently have a three-to-four-month operating reserve and 90 participants in the program, with 75 under contract.

Agenda Item 18

EXECUTIVE STAFF REPORTS

- Consideration of Approval of 2004 Board Annual Report
- Consideration of Request for Staff Attendance at Educational Meetings
- Status of Staff Additions and Report on Status of Office Space in Las Vegas for Investigators
- Informational Items
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel
- Status of Processing July 1, 2005 through June 30, 2007 Biennial Licensure Registration Renewals
 - Lynnette L. Krotke, Chief of Licensing

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Clark requested authority for staff to attend the educational meetings listed on the handout provided to Board members for review.

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

- Consideration of Approval of 2004 Board Annual Report

Dr. Baepler moved to approve the Board's 2004 Annual Report. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler asked that future annual reports include statistics on the number of cases investigated.

- Status of Staff Additions and Report on Status of Office Space in Las Vegas for Investigators

Mr. Clark told the Board the office in Las Vegas is operational and ready for the investigators to use. Doug will be hiring a temporary employee for the summer to catch up with the Clark County court filings. Dr. Calvanese has become a full-time employee of the Board and is currently working three-quarter time, or 30 hours per week. He has offered to assist with preparation of the cases to go before the Investigative Committees and cross-examinations during hearings.

- Status of Processing July 1, 2005 Through June 30, 2007 Biennial Licensure Registration Renewals

Ms. Krotke stated that to date 3,107 physicians and physician assistants have renewed their licenses for the 2005-2007 biennium, 207 have chosen non-renewal, and 37 have requested a change in status from active to inactive.

Agenda Item 19

LEGAL REPORTS - Bonnie S. Brand, J.D., General Counsel
Edward O. Cousineau, J.D., Deputy General Counsel
Charlotte M. Bible, J.D., Chief Deputy Attorney General

- Board Litigation Status

- Board Litigation Status

Ms. Brand reported that since the March Board meeting, there were 5 adjudications acted upon by the Board at this meeting, there are 4 cases with synopses being prepared for submission at the next Board meeting, 4 licenses had been summarily suspended, with hearings scheduled on all but one, because the licensee is in jail with an extremely high bail, 14 letters of concern had been mailed out, there are 24 cases scheduled for hearing, there are 11 cases in which the Investigative Committees have authorized the filing of a formal complaint,

4 cases pending settlement, 2 of which the Board acted upon at this meeting, and there are 26 cases requiring Investigative Committee summaries.

Ms. Bible reported several Board members and staff had been sued by Karen Giarrusso, M.D., alleging civil rights violations and tort claims involving invasion of privacy. The case has been removed to federal court and she will file a motion to dismiss, which should summarily dispose of the case. She is working with outside counsel on the case. With respect to the Mower case, all briefing has been completed and it will be set for oral argument before the Nevada Supreme Court.

Agenda Item 28 **(CONTINUED)**

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

Dr. Anwar moved to go into Closed Session to discuss the character and professional competence of applicants for licensure approval. Mrs. Kirch seconded the motion, and it passed.

CLOSED SESSION

28(l) John Daake, M.D.

Upon returning to Open Session, Dr. Anwar questioned John Daake, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure.

Dr. Daake explained the circumstances surrounding the claims of malpractice against him.

Dr. Anwar moved to return to Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar moved that the Board grant John Daake, M.D.'s application for licensure. Mrs. Kirch 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.

28(m) Liberacion Albinda, M.D.

Upon returning to Open Session, Dr. Anjum questioned Liberacion Albinda, M.D., who appeared before the Board on her application for licensure by endorsement. Dr. Anjum asked her whether she was Board Certified in Gastroenterology or Internal Medicine.

Dr. Albinda described her practice and stated she had not passed the Internal Medicine Boards when first practicing, and had not attempted them again. Dr. Anjum asked what circumstances Dr. Albinda could cite which would compel the Board to grant her licensure by endorsement when she otherwise doesn't meet the requirements for licensure because she has not passed a major examination within the last 10 years, and she could cite none.

Dr. Anjum moved that the Board decline to exercise its discretion to grant licensure by endorsement to Liberacion Albinda, M.D. or to grant her a peer review. Mrs. Kirch seconded the motion, and the motion 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.

28(n) Richard Davis, M.D.

Upon returning to Open Session, Dr. Lubritz questioned Richard Davis, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12 and 31 on his application for licensure.

Dr. Davis explained the circumstances surrounding the claims of malpractice against him and the steps he has taken to ensure there are no future incidences of operating on incorrect body parts.

Mrs. Kirch moved to return to Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Lubritz moved that the Board grant Richard Davis, M.D.'s application for licensure. Dr. Anwar seconded the motion, and it passed, with Dr. Anjum and Ms. Stoess opposed and 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.

28(o) Jeffrey Wick, M.D.

Upon returning to Open Session, Dr. Baepler stated Dr. Wick was here on a new application, his previous application having been denied in December 2003. His application in December 2003 was denied due to Dr. Wick's responses to certain questions on his application which the Board found to be untruthful. It would appear that the deficiencies in the old application have been corrected on the new application, in that Dr. Wick correctly answered the questions he answered incorrectly on the first application; however, he asked Dr. Wick why the Board should now grant him a license when nothing else has changed.

Dr. Wick stated he had responded to the questions the way he did on his 2003 application due to an agreement he made with the University of Wisconsin that he would never mention the suspension occurred because technically it didn't occur since they didn't follow appropriate procedures.

Dr. Anwar stated that the Board's denial of Dr. Wick's application in 2003 was based on a question of honesty and asked Dr. Wick if there was a reason for the Board to believe that its decision at that time was unfounded or that he has changed and is a more honest person now. Dr. Wick stated he did not attempt to deceive the Board at that time and he doesn't feel he was dishonest as he had answered the same way on other applications for licensure. Dr. Lubritz asked Dr. Wick whether the answers he supplied to the subject questions on his 2003 application for licensure were true or false. Dr. Wick stated he believed they were true

statements given the information he had at that time, in that no suspension could have formally occurred at Wisconsin. Dr. Lubritz asked Dr. Wick if he had been suspended, and Dr. Wick responded in the affirmative.

Dr. Anwar moved to return to Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board deny Jeffrey Wick, M.D.'s application for licensure pursuant to NRS 630.304(1), based upon his false, misleading and/or inaccurate statements on his 2003 application for licensure, and because his current application, and the explanations contained therein, were not completed in an adequate manner. Mrs. Kirch 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.

28(p) Henry Daniels, M.D.

Upon returning to Open Session, Ms. Stoess questioned Henry Daniels, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 13 and 19 on his application for licensure.

Dr. Daniels explained the circumstances surrounding the domestic battery case against him which was later dismissed, and regarding his academic probation during his internship.

Ms. Stoess moved that the Board grant Henry Daniels, 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.

28(w) Joseph Johnson, M.D.

Upon returning to Open Session, Dr. Anwar questioned Joseph Johnson, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure and concerning the fact that he has not practiced clinical medicine since December of 1999.

Dr. Johnson told the Board his position at Sierra Health Services is strictly an administrative position and does not, and will not, require him to practice clinical medicine; however, he will be making decisions to grant or deny treatment, which he considers the practice of medicine.

Dr. Anwar moved that the Board grant Joseph Johnson, M.D.'s application for licensure. 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. Ms. Stoess seconded the motion, and it passed.

28(g) Christopher Breeden, M.D.

Upon returning to Open Session, Mrs. Kirch questioned Christopher Breeden, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure.

Dr. Breeden described the circumstances surrounding the one claim of malpractice against him which resulted in a settlement.

Mrs. Kirch moved that the Board grant Christopher Breeden, M.D.'s application for licensure. Dr. Anwar 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.

28(r) James Hockenberry, M.D.

Upon returning to Open Session, Dr. Montoya questioned James Hockenberry, M.D., who appeared before the Board to request a change in status of his license from inactive to active, and to respond to questions concerning his affirmative response to Question 12 on his application for licensure.

Dr. Hockenberry explained the circumstances surrounding the single claim of malpractice against him.

Dr. Lamerson asked Dr. Hockenberry what he had done to keep current since he last practiced clinical medicine in November of 2003, and Dr. Hockenberry explained that although he hasn't been able to practice clinical medicine with an inactive license, he has kept up with continuing medical education.

Mrs. Kirch moved to return to Closed Session. Dr. Anwar seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board grant James Hockenberry, M.D.'s request for change in license status from inactive to active. Mrs. Kirch 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.

28(s) Kitae Kim, M.D.

Upon returning to Open Session, Dr. Montoya questioned Kitae Kim, M.D., who appeared before the Board to respond to questions concerning his negative response to Question 19 on his application for licensure. Dr. Kim appeared with his attorney, Hal Taylor, Esq.

Dr. Kim explained the circumstances surrounding his suspension from St. Vincent Catholic Medical Center during his residency training, stating he responded negatively to Question 19 on his application for licensure because he never received any notification that he was suspended. He was told not to show up for work while being investigated, but he was paid during that time, and he was unaware of any disciplinary action being taken against him.

Dr. Lubritz read to the Board an e-mail from Neil Mandava, M.D., Chairman of Surgery at St. Vincent Catholic Medical Center, which said, "Dr. Kim was informed of a five working day suspension in a letter dated 2/24/03 from Duncan Quarless, Regional Director of Human Resources. The actual days of suspension were June 9, 2003 through June 13, 2003." Dr. Lubritz then asked Dr. Kim if he received the 2/24/03 letter, and Dr. Kim indicated he had. He said the letter advised him he was going to be suspended for five days but did not specify what days and he never had a hearing. Dr. Lubritz asked Dr. Kim if he had lied on his application for licensure, and Dr. Kim stated he had not been forthcoming.

Dr. Anwar moved to return to Closed Session. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Dr. Kim explained the circumstances surrounding the incident wherein he slashed the tires on a vehicle belonging to an unknown person in response to feelings of anger he experienced while working at the hospital during his residency, and stated he has no problem working with patients or staff.

Dr. Anjum moved that the Board grant Kitae Kim, M.D.'s application for licensure. Ms. Stoess seconded the motion. A vote was taken on the motion, which resulted in no action, with Dr. Baepler, Dr. Anjum, Dr. Anwar and Ms. Stoess voting in favor of the motion and Dr. Lubritz, Mrs. Kirch, Dr. Lamerson and the Chair voting against the motion.

After further discussion, Dr. Anjum again moved that the Board grant Kitae Kim, M.D.'s application for licensure. Ms. Stoess seconded the motion, and it passed, with Dr. Lubritz, Mrs. Kirch and Dr. Lamerson opposed, and the Chair voting in favor of the motion.

Dr. Anjum moved to amend the motion to grant Dr. Kim's application for licensure to add as a condition of licensure that Dr. Kim receive an evaluation concerning anger management and referral to an anger management program approved by the Board and to be monitored by the Diversion Program. Ms. Stoess seconded the motion, and it passed, with Dr. Lubritz, Mrs. Kirch and Dr. Lamerson opposed, and the Chair voting in favor of the motion.

Agenda Item 30

ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS

Dr. Montoya announced that nominations were open for election of President of the Board.

Dr. Lubritz nominated Dr. Montoya for another term as President. Dr. Baepler seconded the nomination, and it passed unanimously.

Dr. Montoya announced that nominations were open for election of Vice President of the Board.

Dr. Lubritz nominated Dr. Anwar to serve as Vice President. Dr. Baepler seconded the nomination, and it passed unanimously.

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

Ms. Stoess nominated Dr. Baepler for another term as Secretary-Treasurer. Dr. Anjum seconded the nomination, and it passed unanimously.

Dr. Anwar left the meeting at 12:15 p.m.

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

28(u) Ira Finch, M.D.

Upon returning to Open Session, Dr. Lamerson questioned Ira Finch, M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure.

Dr. Finch described the circumstances surrounding the one claim of malpractice against him which resulted in a settlement.

Dr. Lamerson moved that the Board grant Ira Finch, M.D.'s application for licensure. 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. Ms. Stoess seconded the motion, and it passed.

28(t) Benjamin Bruk, M.D.

Upon returning to Open Session, Mrs. Kirch questioned Benjamin Bruk, M.D., who appeared before the Board on his application for licensure by endorsement. Mrs. Kirch asked Dr. Bruk what circumstances he could cite which would compel the Board to grant him licensure by endorsement when he otherwise doesn't meet the requirements for licensure because he

has not passed a major examination within the last 10 years, and Dr. Bruk could cite none. Dr. Bruk stated he only intended to practice part time.

Mrs. Kirch moved to return to Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Mrs. Kirch moved that the Board decline to exercise its discretion to grant licensure by endorsement Benjamin Bruk, M.D. or to grant him a peer review. Dr. Lubritz seconded the motion, and the motion 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. Ms. Stoess seconded the motion, and it passed.

28(v) Gerald Coniglio, M.D.

Upon returning to Open Session, Dr. Baepler questioned Gerald Coniglio, M.D., who appeared before the Board to respond to questions concerning his affirmative responses to Questions 12, 14, 19 and 31 on his application for licensure.

Dr. Coniglio explained the circumstances surrounding the claims of malpractice against him and the difficulties he had with interpersonal relationships at various hospitals he had worked in.

Mrs. Kirch moved to return to Closed Session. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board deny Gerald Coniglio, M.D.'s application for licensure based upon the excessive number of malpractice claims against him which have been settled on his behalf, some in large amounts, and his continued pattern of receiving adverse reports from nearly every facility in which he has practiced, many concerning interpersonal relationships and others concerning standard-of-care issues in the communities where he has practiced. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3 (CONTINUED)

PERSONNEL

Closed Session

- Annual Review and Discussion of Professional Competency of Staff
- Set Staff Compensation
 - Joel N. Lubritz, M.D., Vice President and Chairman of the Internal Affairs Committee;
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

Open Session

- Introduction of New Board Staff
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- **Annual Review and Discussion of Professional Competency of Staff**
- **Set Staff Compensation**

Dr. Lubritz moved to go into Closed Session to discuss the professional competency of Board staff. Mrs. Kirch seconded the motion, and it passed.

Upon returning to Open Session, Mrs. Kirch moved to accept the recommendations of the Internal Affairs Committee with respect to staff compensation. Ms. Stoess seconded the motion, and it passed unanimously, with the chair voting in favor.

Agenda Item 27

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status
Approved, Since the March 4 & 5, 2005 Board Meeting

Dr. Baepler moved to ratify the licenses issued, and reinstatements of licensure and changes of licensure status approved, since the March 4 & 5, 2005 Board meeting. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 29

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters would be on the Agenda for the September Board meeting: consideration of adoption as permanent, the three temporary regulations the Board adopted at previous meetings, the proposed amendment to NRS 630.301(9) to adopt a Code of Professional Ethics, and a proposed regulation to deal with laser surgery.

Dr. Lubritz asked that Mr. Clark work on the definition of “disrepute” if AB 555 passes.

Agenda Item 31

PUBLIC COMMENT

The Board received no public comment.

ADJOURNMENT

Dr. Anjum moved that the Board adjourn. Ms. Stoess seconded the motion, and it passed unanimously.

Dr. Montoya adjourned the meeting at 1:25 p.m.