



Nevada State Board of Medical Examiners

*** * * MINUTES * * ***

OPEN SESSION EMERGENCY TELEPHONE CONFERENCE CALL BOARD MEETING

Board Office Conference Room
1105 Terminal Way, Suite 301, Reno, NV 89502

FRIDAY, SEPTEMBER 12, 2006 - 12:00 noon

Board Members Present at Board Office

Jean Stoess, M.A.

Board Members Present by Telephone

Javaid Anwar, M.D., President
Sohail U. Anjum, M.D., Vice President
Marlene J. Kirch
S. Daniel McBride, M.D.

Staff Present at Board Office

Drennan A. Clark, Executive Director/Special Counsel
Laurie L. Munson, Deputy Executive Director/
Information Systems Administrator/Chief of Administration
Bonnie S. Brand, J.D., General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Lynnette L. Daniels, Chief of Licensing
Pamela J. Castagnola, Deputy Chief of Investigations
Heather L. Higgins, Investigator
Terri L. Ward, Investigator
Shawna M. Rice, Investigator
Donald A. Andreas, Investigator
Angelia L. Donohoe, Legal Assistant

Also Present by Telephone

Dianna Hegeduis, J.D., Chief Deputy Attorney General

CALL TO ORDER

The AT&T telephone conference call operator took roll call of those participating by telephone.

Ms. Beggs named those present in the Board office conference room in Reno.

Dr. Anwar called the meeting to order at 12:05 p.m.

IN THE MATTER OF FRIEDA JEAN FLEISCHER, M.D.

Ms. Beggs stated she had made amendments to the Complaint and Request for Summary Suspension after copies were sent to the participating Board members, and read those amendments for the Board members. She then stated the meeting had been convened pursuant to the emergency meeting standard enumerated in NRS 241.020(7), as it was believed that Dr. Fleischer would pose an imminent threat to the health and safety of the public if she continued to practice medicine. She then asked whether all participating Board members had received and reviewed the materials sent to them prior to the meeting concerning this matter, and all indicated they had.

Dr. Anjum asked whether there had been complaints against Dr. Fleischer in the past. Ms. Beggs stated there had been no relevant complaints that pertained to this particular request for summary suspension. She stated the urgency in convening the meeting was due to the recent receipt of findings of psychological and neuropsychological examinations, ordered by the Board's Investigative Committee, which stated that Dr. Fleischer was unsafe to practice medicine at this time, and that those results were concurred with by another independent physician as well as one of the Board's Medical Examiners. There was no evidence that any patient had been harmed by Dr. Fleischer to date; however, it was felt if she were allowed to continue to practice medicine during the period of time it took to hold a hearing concerning the complaint, it could endanger her patients, as there would be a physician practicing medicine who had been found by a neuropsychologist to be unsafe to practice.

Discussion ensued concerning the Board's responsibility to protect the public and whether there was action the Board could take that would both protect the public and allow the physician to continue to practice medicine while taking corrective action to remedy her problems, as an alternative to summarily suspending her license at that time.

Dr. McBride moved that the Board suspend Dr. Fleischer's license to practice medicine in Nevada pending a full medical, neurological and psychological in-patient evaluation of her fitness to continue to practice medicine. Ms. Stoess seconded the motion.

Discussion ensued concerning whether the Board could order Dr. Fleischer, or recommend to Dr. Fleischer, that she go to a particular facility for evaluation and that the costs of any evaluation should be borne by Dr. Fleischer.

Dr. Anwar questioned whether, from a legal point of view, the motion on the table would accomplish the intent of what the Board wanted to accomplish. Ms. Beggs stated that the Board had only the option to summarily suspend Dr. Fleischer's license or not, and at that point in time, could not order a conditional summary suspension.

Discussion ensued concerning whether the Board could make recommendations to Dr. Fleischer for further evaluation or treatment.

Ms. Hegeduis stated that pursuant to NRS 233B.127, the only authority the Board had at that time was to summarily suspend Dr. Fleischer's license without conditions. After the Board summarily suspends a license, there is a proceeding for revocation or other action. Ms. Beggs could, in addition to proceeding with the normal procedure to bring the matter to a hearing, stress to Dr. Fleischer the Board's concerns.

Ms. Beggs stated she would have no problem stressing to Dr. Fleischer the Board's concerns that she should obtain further evaluation.

Dr. McBride withdrew his motion.

Dr. McBride moved that the Board summarily suspend the license of Frieda Jean Fleischer, M.D., in the interests of protecting the public pursuant to the concerns as stated in the affidavit. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Discussion ensued concerning the fact that any recommendation to Dr. Fleischer had to come from a position of authority, regarding what recommendations would be appropriate for the Board to make to Dr. Fleischer, and how to best accomplish that.

Ms. Beggs then read the proposed findings and Order of Summary Suspension, as follows:

This matter came for hearing at an emergency meeting of the Nevada State Board of Medical Examiners convened pursuant to NRS 241.020 and conducted telephonically on the 12th day of September, 2006, to consider the request for summary suspension of the license of the above-named Respondent filed herein on September 12, 2006 by the Board's Investigative Committee. A quorum of the members of the Board who will constitute the adjudicative panel in this case, consisting of Javaid Anwar, M.D., President, Sohail U. Anjum, M.D., Vice President, Marlene J. Kirch, and S. Daniel McBride, M.D., Board Members, were present telephonically. Jean Stoess, M.A., Board Member, was present in person. Also present telephonically was Dianna Hegeduis, Chief Deputy Attorney General, as counsel for the Board. Lyn E. Beggs, J.D., Deputy General Counsel, appeared as counsel for the Investigative Committee.

The adjudicative panel reviewed the Investigative Committee's Complaint, the request for summary suspension contained therein, and the attached exhibits. Upon review of the Complaint and Request for Summary Suspension of License and the attached exhibits, as well as the argument and presentation of counsel for the Investigative Committee, the adjudicative members of the Board find and conclude by a preponderance of evidence:

1. That unforeseen circumstances have arisen and exist that pose a risk of impairment of the health and safety of the public and that require emergency Board action.
2. That Respondent is a physician licensed to practice medicine in the State of Nevada, practicing primarily gynecology and obstetrics.
3. That Respondent recently submitted to a Board-ordered psychiatric evaluation on April 20, 2006, and a neuropsychological evaluation on August 15, 2006.

4. That the conclusions of both of the recent evaluations indicate that Respondent cannot continue to safely practice medicine and this conclusion is supported by the affidavit of the Board's Medical Reviewer, Dr. Robert Barnett, dated September 8, 2006, and the letter of Dr. Piasecki dated August 29, 2006.

5. That public health, safety and welfare imperatively require emergency action by the Board to prevent Respondent from seeing and treating her patients or other members of the public.

Now therefore, pursuant to NRS 630.329:

IT IS HEREBY ORDERED that the license of Respondent, Frieda Jean Fleischer, M.D., to practice medicine in Nevada is hereby suspended pending proceedings for disciplinary action pursuant to the Complaint filed herein and issuance of a final order, or until further order of this Board.

The Board members indicated the wording of the proposed Order of Summary Suspension was acceptable.

ADJOURNMENT

Dr. Anwar adjourned the meeting at 12:45 p.m.