



*Nevada State Board of Medical Examiners*

**\* \* \* MINUTES \* \* \***

**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, SEPTEMBER 15, 2006 – 8:30 a.m.***

***and***

***SATURDAY, SEPTEMBER 16, 2006 – 8:30 a.m.***

***Board Members Present***

Javaid Anwar, M.D., President

Sohail U. Anjum, M.D., Vice President

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

Marlene J. Kirch

Charles N. Held, M.D.

Jean Stoess, M.A.

Cindy Lamerson, M.D.

S. Daniel McBride, M.D.

Benjamin J. Rodriguez, M.D.

***Staff Present***

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

Laurie L. Munson, Deputy Executive Director/  
Information Systems Administrator/Chief of Administration

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

Jerry C. Calvanese, M.D., Medical Reviewer

Lynnette L. Daniels, Chief of Licensing

Douglas C. Cooper, Chief of Investigations

Donald A. Andreas, Investigator (in Las Vegas)

***Also Present***

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

Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation

Janet Wheble, P.A.-C, Physician Assistant Advisory Committee Member

**FRIDAY, SEPTEMBER 15, 2006**

Agenda Item 1

**CALL TO ORDER AND ANNOUNCEMENTS**

- Javaid Anwar, M.D., President

The meeting was called to order by President Javaid Anwar, M.D., at 8:35 a.m.

Agenda Item 2

**APPROVAL OF MINUTES**

- June 9 & 10, 2006 Board Meeting – Open/Closed Sessions
- June 16, 2006 Emergency Telephone Conference Call Board Meeting – Open Session
- July 14, 2006 Telephone Conference Call Board Meeting – Open/Closed Sessions

Mrs. Kirch moved to approve the Minutes of the June 9 & 10, 2006 Board Meeting - Open/Closed Sessions. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mrs. Kirch moved to approve the Minutes of the June 16, 2006 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.

Mrs. Kirch moved to approve the Minutes of the July 14, 2006 Telephone Conference Call Board Meeting – Open/Closed Sessions. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3

**PERSONNEL**

**Open Session**

- Introduction of New Board Staff, Johnna S. LaRue and Brandi M. Matt
  - Douglas C. Cooper, Chief of Investigations; Lynnette L. Daniels, Chief of Licensing

**- Introduction of New Board Staff**

Mr. Cooper introduced Johnna LaRue, the Board's new Administrative Assistant for the Investigations Division, to the Board.

Ms. Daniels introduced the Board's new License Specialist, Brandi M. Matt, to the Board.

Agenda Item 1 **(CONTINUED)**

**CALL TO ORDER AND ANNOUNCEMENTS**

- Javaid Anwar, M.D., President

Ms. Hegeduis took roll call, and all Board Members were present, with the exception of Dr. Anjum. Ms. Hegeduis declared that there was a quorum.

Dr. Anjum joined the meeting at 8:50 a.m.

Agenda Item 4

**CONSIDERATION AND APPROVAL OF 2005-2006 AUDIT BY SOLARI & STURMER**

- Elisa D. Lasa, CPA, Solari and Sturmer, LLC; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer

Elisa D. Lasa, CPA, of Solari and Sturmer, LLC, stated the result of the audit was that the Board received an “unqualified” opinion, which, in laymen’s terms, is a good opinion.

Dr. Baepler stated the audit presented no surprises and that it was a uniformly good audit. The Board had some unanticipated expenditures during the past year, but was where it should be financially at that point.

Discussion ensued concerning the expenses and revenues related to the compliance program, as it was a new program and was therefore included in the audit for the first time this year.

Mrs. Kirch moved to accept the audit. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

**COMMITTEE REPORT ON BOARD’S PUBLIC SERVICE ANNOUNCEMENT PROGRAM AND REPORT BY ROBERT D. FISHER, PRESIDENT AND CEO, NEVADA BROADCASTERS ASSOCIATION**

- Jean Stoess, M.A., Chairperson; Marlene J. Kirch, Board Member; Drennan A. Clark, J.D., Executive Director/Special Counsel; Robert D. Fisher, President and CEO, Nevada Broadcasters Association

Mr. Clark advised the Board that the Nevada Broadcasters Association had submitted a report to the Board for consideration, which was included under Item 6 of the meeting materials, and the Board’s Public Relations Committee had no report to present at that time.

Mrs. Kirch moved to accept the report from Nevada Broadcasters Association regarding the Board’s Public Service Announcement Program. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

**DISCUSSION OF BOARD POLICY FOR CONSIDERATION OF APPLICATIONS FOR LICENSURE BETWEEN REGULARLY-SCHEDULED BOARD MEETINGS – ONLY IN CONFIRMED EMERGENCY SITUATIONS**

- Jean Stoess, M.A., Board Member; Drennan A. Clark, J.D., Executive Director/Special Counsel

Mr. Clark explained that Board Member Jean Stoess had brought this item to his attention following the special Board meeting held on July 14, 2006, to consider the application of a physician for licensure as an eminent physician. Pursuant to his discussion with Ms. Stoess, he was proposing that the Board adopt a policy that the Board not consider any applications for licensure outside of the regular Board meeting schedule unless there was a justifiable emergency.

Dr. McBride suggested the Board hold a special meeting to consider an application only if a majority of the voting Board members considered it to be an emergency situation.

Ms. Hegeduis advised there could be a problem with the Open Meeting Law if Board members were to make the determination in that manner, and suggested that in the future, Mr. Clark could meet with the Board President to make a determination as to whether the application warranted a special meeting of the Board.

Dr. Baepler moved that in the future, if an applicant requests a special Board meeting to consider his or her application for licensure, Mr. Clark is to meet with the Board President to make a determination as to whether that application warrants a special meeting. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 9

**CONSIDERATION OF REQUEST FOR APPROVAL OF LIVE PATIENT DEMONSTRATIONS USING BOTULINUM TOXIN TYPE A, FILLERS, CHEMICAL PEELS, SCLEROTHERAPY, LASER AND LIGHT USE, AND ABSORBABLE AND NON-ABSORBABLE BARBED SUTURES, AT THE 15TH INTERNATIONAL SYMPOSIUM ON COSMETIC AND LASER SURGERY AND 5TH ANNUAL COSMETIC DERMATOLOGY MEETING, EXHIBITION AND WORKSHOPS, IN LAS VEGAS**

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated that the Board had received requests for two separate symposiums -- one for a symposium on September 28 through October 1 and a second for November 30 through December 3, 2006. Dr. Werschler, who was recently licensed in Nevada, has agreed, in writing, to accept all liability for anything that might happen during the two symposiums. The Board has approved similar requests in the past.

Mr. Clark added that when the Board had approved these types of training sessions in the past, the participating out-of-state physicians were not required to obtain licenses in Nevada, and a Nevada licensed physician was required to take responsibility for the entire program.

Discussion ensued concerning the fact that Dr. Werschler's requests stated he would take responsibility for the actions of the participating physicians but that he was requesting that all out-of-state physicians be issued temporary licenses in Nevada for the duration of the program. As there is no provision for issuance of temporary licenses for these out-of-state physicians, Dr. Werschler would have to submit new request letters stating that he would take full responsibility for all actions of those participants who are performing the procedures, and that he would be supervising those physicians for the duration of the program.

Based upon the discussion by the Board, Ms. Brand suggested the following language for a motion: That Dr. Werschler accept responsibility for supervision of all out-of-state physicians who participate in the symposiums, that he accept civil liability for anything that occurs during the symposium, that he provide evidence of indemnification by his insurer for any events that occur as a result of the actions of those physicians he is supervising, that no temporary licenses will be issued to the participating out-of-state physicians, that all participating out-of-state physicians must provide proof that they are licensed in good standing in their individual states, that consent forms be signed by all patients and approved by the Board in advance, and that a record be generated for all procedures performed during the symposiums, with copies of those records and the consent forms provided to the Board.

Dr. Lamerson moved that the Board approve the provisions as stated by Ms. Brand. Mrs. Kirch seconded the motion.

Dr. Anwar suggested the Board discuss, at a future meeting, developing a formal policy concerning these types of matters. Dr. Held asked Lynnette to look into how other states have handled these types of requests in the past. Dr. Baepler suggested the Board also look into the possibility of collecting a fee for these types of programs.

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

#### Agenda Item 5

#### **PRESENTATION BY THE FEDERATION OF STATE MEDICAL BOARDS OF THE UNITED STATES, INC.**

- Tim R. Knettler, MBA, Vice President, Member Resource Centers and Services;  
N. Stacy Lankford, M.D., Board of Directors Chair-elect, Federation of State Medical Boards of the United States, Inc.

Tim R. Knettler, MBA, Vice President, Member Resource Centers and Services, of the Federation of State Medical Boards of the United States, Inc., and N. Stacy Lankford, Chair-elect of the Board of Directors of the Federation of State Medical Boards of the United States, Inc., gave a presentation to the Board describing the Federation, its mission and the services it offers to state boards.

Mr. Knettler stated Nevada has the highest standards for licensure of any of the states with its three years of postgraduate training. That is something the Federation recommended in 1998, but Nevada is the only state that requires it. He thinks it speaks well in terms of initial licensure and that if a state does a good job in initial licensure, hopefully disciplinary issues will be reflected in lower disciplinary numbers. He thinks Nevada is a great board with a great set of regulations under which to operate.

Discussion ensued concerning the USMLE and the pass rates for Steps 1, 2 and 3 of the USMLE. Discussion concerning the FCVS, the Federation's databank, and the common application form the Federation has developed.

Dr. Lankford asked Board members what areas they currently consider the most challenging, and what areas they think will be the most challenging two to five years from now. Discussion ensued concerning International Medical Schools and verification of credentials through ECFMG in the future, electronic record-keeping systems as a way of reducing medical errors and sharing information between physicians who are treating the same patients, licensure across state lines, and applications for licensure by endorsement.

Discussion ensued concerning SPEX and its use in evaluating competency of physicians who have been out of practice for a period of time, concerning standardization/equivalency amid medical and osteopathic boards in licensing requirements for the two types of physicians in the various states, and concerning post-licensure competency.

Dr. Anwar suggested the Board hold a retreat to discuss the various licensure and regulatory issues that the Board is confronted with on a regular basis, and that it may be faced with in the future, and to develop policies regarding those, and that it invite the Federation to send a representative to the retreat to assist in the consideration of those matters.

Agenda Item 7

**CONSIDERATION OF ADOPTION OF AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630**

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Require Licensees and Applicants to Sign All Notifications, Applications and Communications They Have With the Board
- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, Requiring Licensees to Reinstate to Previous License Status Before Changing to New License Status Following Suspension for Nonpayment of Renewal Fees Within Renewal Registration Period
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Add Guidelines for the Use of Medical Assistants
  - Edward O. Cousineau, J.D., Deputy General Counsel
- **Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, to Require Licensees and Applicants to Sign All Notifications, Applications and Communications They Have With the Board**

Mr. Cousineau advised the Board that a workshop had been held on July 31, 2006, in Reno, and another in Las Vegas on August 1, 2006. A public hearing was held in Reno on August 8, 2006. The only public comment received was from Lawrence Matheis, Executive Director of the Nevada State Medical Association. He had two concerns. First, he recommended that the second sentence of the proposed language be redacted due to the fact that there is a trend to contemplate electronic filing of documents, and if the language were adopted as written, there might come a time when the Board might have to change the language. Mr. Cousineau stated he agreed with Mr. Matheis. Mr. Matheis' second concern was that the regulation might make it more difficult for an applicant or licensee to comply with the Board's requirements. Pursuant to the last line of the regulation, the Board has the discretion to accept or refuse submissions of written correspondence based upon the circumstances, so if a written submission was received that didn't meet the regulatory requirement, the Board could give the individual the opportunity to correct the deficiency.

Mr. Cousineau requested that the Board adopt the regulation as written, excluding the second sentence that begins with "signature stamps" and ends with "by the Board."

Dr. Held stated that the word "singed" on line 3 of the proposed regulation needed to be changed to "signed."

Dr. Held moved to adopt the regulation as proposed by Mr. Cousineau, with the change in spelling. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, Requiring Licensees to Reinstate to Previous License Status Before Changing to New License Status Following Suspension for Nonpayment of Renewal Fees Within Renewal Registration Period**

Mr. Cousineau stated that this regulation was previously adopted by the Board and the regulation was then submitted to the Legislative Counsel Bureau (LCB) in its adopted form. The LCB had a problem with some of the language of the regulation and after discussion, new language was drafted by the LCB which is substantially different than the language adopted by the Board previously, but which accomplishes the intent of the regulation as adopted by the Board. To ensure there are no irregularities in the regulatory adoption process, he was resubmitting the regulation in its current form to the Board and requesting re-adoption by the Board. The purpose of the regulation is to clarify existing regulations requiring that a licensee reinstate to his or her previous license status after being suspended for nonpayment of renewal fees before being allowed to change to a different license status.

Mrs. Kirch moved to adopt the regulation. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Add Guidelines for the Use of Medical Assistants**

Mr. Cousineau requested authority to proceed with drafting a regulation regarding the use of medical assistants and continue with the regulatory adoption process. The purpose of the regulation would be to clarify the appropriate use of medical assistants in the practice of medicine. He would request input and insight from individual Board members, then proceed with the workshop and hearing process to receive public comment, and then bring the regulation back to the Board for consideration.

Discussion ensued concerning whether the Board should proceed with a regulation establishing guidelines for the use of medical assistants in the practice of medicine or whether it should make a recommendation to the legislature that it create a license for, and regulate, medical assistants as a profession.

Dr. Calvanese stated many of the guidelines in the proposed regulation were taken from California's guidelines, and others were taken from other states, and he thought they were fairly general and non-restrictive.

Discussion ensued concerning what medical assistants should be allowed to do and what guidelines should be included in the regulation.

Dr. McBride moved that the proposed draft regulation be reworked and brought back to the Board for further consideration at a future Board meeting. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 10

**REPORT ON STATUS OF ONLINE LICENSURE RENEWALS PROGRAM**

- Laurie L. Munson, Deputy Executive Director/Information Systems Administrator; Lynnette L. Daniels, Chief of Licensing

Ms. Munson advised the Board that the online renewals project was progressing and was currently on track. Ms. Daniels and Carolyn Castleman reworked some of the questions that will be asked of the licensees when they renew and had provided those to System Automation. The web services server that will act as the liaison server between the Board's database, the MyLicense program at System Automation and the public was installed at the Department of Information Technology in Carson City because the Nevada Department of Information Security required that it be housed in a protected zone between the external servers and internal servers to prevent unauthorized access to the state's data. The Board will incur an additional monthly charge to house it there, which includes monitoring, updating, and keeping the virus protection current. The next step is for System Automation to load the information provided by Ms. Daniels and Ms. Castleman, and the program software, onto the Board's test database. Board staff will then be able to test the program and make any changes before it is loaded on the Board's production database and is made available to the Board's licensees.

Ms. Daniels stated the program was progressing, and had been a job in and of itself for her, Ms. Castleman and Ms. Munson, so they were hoping the end result would be a very positive one.

Dr. Baepler moved to adopt the report as presented. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

**REPORTS**

- Diversion Program - Quarterly Report - Peter Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.R.T., Advisory Committee Member
  - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
  - Sohail U. Anjum, M.D., 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
  - Compliance Report
  - Medical Investigator Certification Program Committee Report
- Nevada State Medical Association Liaison Report - Cindy Lamerson, M.D., Board Member; Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Member; 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

### **- Diversion Program: Quarterly Report**

Peter A. Mansky, M.D., Director of the Nevada Health Professionals Assistance Foundation, thanked the Board, Board staff, the Attorney General's Office, the Clark County Medical Society, the Washoe County Medical Society and the State Medical Association for assisting with their lobbying efforts to create a law which will provide immunity from liability to the Foundation and make it possible for the Foundation to obtain a new liability insurance policy despite the four lawsuits still pending against it.

Dr. Mansky said he had been working with Jim Thompson, CEO and President of the Federation of State Medical Boards, to create suggestions for boards concerning how to deal with psychiatric illness and was working with the American Foundation for Suicide Prevention. The program is no longer just a diversion program, but is morphing into a true physicians health program, in that it is no longer just addressing drugs and alcohol and impairment from those, but a wide range of things, including health and well-being of physicians and teaching to the medical students in the medical school, with the goal that a healthy physician is a better physician. Only about 5% of the physicians in the state are bad apples, and they are working with a good number of those to rehabilitate them.

Dr. Mansky stated the Foundation appreciates the support of the Board and is still looking to other sources for support. They are now also receiving funding from the Osteopathic Board, but have not yet received any funding from the hospitals. Additionally, they are working on collection of outstanding monies due the Foundation from participants.

Ms. Hegeduis stated that the Program is hoping this Board, as well as the D.O. Board, will assist them in their efforts during the upcoming legislative session to be included under the immunity statutes that cover both of the Boards.

Dr. Mansky stated that if he were to become an employee of the Department of Psychiatry and the Department of Psychiatry ran the diversion program, it would give them another layer of protection with the state, plus it would make them eligible for grants, and that was a possibility he was exploring.

Dr. Lamerson asked about the percentage of "bad apple" physicians Dr. Mansky referred to earlier and asked for the percentage of D.O.s. Dr. Mansky said it was a figure he threw out and it may not actually be 5%, but it was a small percentage, which was also found among the D.O.s.

Dr. Baepler moved to adopt the report as presented. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

### **- Physician Assistant Advisory Committee**

Janet Wheble, P.A.-C, told the Board the Advisory Committee had been approached by both Nevada Academy of Physician Assistants members, as well as other physician assistants in the state, regarding signatures by physician assistants on forms that currently require a signature of a physician. Specifically, physician assistants are currently not allowed to sign forms such as handicapped parking permits and workers compensation forms, although

physician assistants may be treating the patients for their disabilities. The Advisory Committee was reviewing statutes from states that allow physician assistants to sign those documents and will request the Board's recommendation regarding language for future legislation. The goal of physician assistants is to assist the physicians and if they can reduce the paperwork their supervising physicians are required to complete, they are doing their job of assisting them.

Dr. McBride moved to adopt the report as presented. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Practitioner of Respiratory Care Advisory Committee**

Mr. Clark stated that the Practitioner of Respiratory Care Advisory Committee did not have anything new to report to the Board at this time.

**Investigative Committees – Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer,  
Chairperson, Investigative Committee A  
Sohail U. Anjum, M.D., Vice President, Chairperson,  
Investigative Committee B**

**- Consideration of Cases Recommended for Closure by the Committees**

Dr. Baepler reported that Investigative Committee A considered 72 cases, authorized the filing of a formal complaint in 1 case, sent 1 case out for peer review, requested an appearance in 3 cases, issued 5 letters of concern, referred 5 cases back to investigative staff for further investigation or follow-up and recommended closure of 57 cases.

Dr. Anjum reported that Investigative Committee B considered 80 cases, authorized the filing of a formal complaint in 1 case, sent 1 case out for peer review, requested an appearance in 7 cases, issued 5 letters of concern, referred 4 cases back to investigative staff for further investigation or follow-up and recommended closure of 62 cases.

Dr. Lamerson moved to approve for closure the cases recommended by the Investigative Committees. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Investigations Division**

**- Status of Investigative Caseload**

Mr. Cooper stated that currently there are 542 open cases, and 202 civil court cases that had not yet been opened and assigned. The current caseload is fluctuating between 70 and 80 cases per investigator. With the addition of a seventh investigator, they could hopefully reduce the caseload to 60 to 70 cases per investigator. There are 43 peer reviews currently out in the field and a backlog of 62 peer reviews to be sent to peer reviewers once peer reviewers were found. The biggest area where an investigation lags is with peer reviews -- finding a peer reviewer, getting the peer review back and examining the peer review. Looking back, it appears there will be about 100 peer reviews going through the Investigations Division at any given time.

Mr. Cooper advised the Board that he is a member of the Medical Investigators Certification Program Committee that is working on a national medical investigator certification and course of instruction. It appears that most jurisdictions will utilize it.

Terri Ward, Compliance Officer/Investigator, stated that the compliance program is broken down into three categories. The first category includes cases from 1978 to 2004, which includes all open files prior to the compliance program being implemented. There were 18 cases at the time of the last report and none were closed in the last quarter. The second category includes cases from 2005, the year the compliance program was implemented. There were 5 open compliance files at the time of the last report and they closed one. For the third category, 2006, there were 8 open cases from the beginning of the year, there were 3 non-adjudicated files and 18 from the licensing division, and 4 cases were closed, leaving 25 open for the year 2006. Sixty-three letters of concern were issued in 2005, and 34 had been issued so far this year. There have been a total of 19 formal complaints filed this year to date. Since the compliance program began, they have collected over \$52,000 in administrative costs and \$7,000 in fines, for a grand total of over \$59,000. There is a current balance owed to the Board in fines and administrative costs of \$194,542.06.

Dr. Baepler moved to adopt the report as presented. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**- Nevada State Medical Association Liaison Report**

Dr. Lamerson had nothing to report. Lawrence Matheis, Executive Director of the Nevada State Medical Association, stated the Government Affairs Commission reviewed the Board's proposed legislative package and supports it and looks forward to working with the Board, particularly with respect to the Botox and laser language, which will certainly be controversial.

**- Clark County Medical Society Liaison Report**

Dr. Rodriguez stated the Clark County Medical Society had taken an interest in this year's election and was trying to educate the physicians in Clark County with respect to their choices for elected officials who may best help support the medical community.

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, introduced new Clark County Medical Society Office Manager, Jamie Alberti.

**- Washoe County Medical Society Liaison Report**

Dr. Lamerson reported there will be a "meet the candidates" reception on September 20 at the Washoe Grill in Reno.

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

Dr. Baepler stated the audit report and his remarks there essentially covered this report.

Agenda Item 12

**EXECUTIVE STAFF REPORTS**

- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items
  - Drennan A. Clark, J.D., Executive Director/Special Counsel

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

Mr. Clark stated Ms. Daniels is looking for a replacement for Jennifer Ross and Mr. Cooper is looking for another investigator, and once those positions are filled, the staff will be full in all respects.

Mr. Clark added that the current requests for staff attendance at educational meetings were those included on the list in the agenda packet.

Dr. Baepler moved to adopt the report as presented. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 13

- LEGAL REPORTS** - Bonnie S. Brand, J.D., General Counsel  
Dianna Hegeduis, J.D., Chief Deputy Attorney General

- Board Litigation Status

**- Board Litigation Status**

Ms. Brand reported there were 7 cases pending adjudication, and 3 cases pending settlement, during the current meeting. There were 2 summary suspensions, Dr. Bass and Dr. Fleischer, and 18 letters of concern sent out, in the last quarter. There are 34 cases pending hearings set through June 27, 2007 and 8 cases pending the filing of formal complaints. There are 4 cases pending offers of consent agreements, and if those are not agreed to, they will result in formal complaints as well. There are 44 cases in the Legal Department requiring Investigative Committee summaries and 2 district court appellate cases. One appellate case is the case of Jeffrey Wick, which was concluded with the court ordering the Board to write a clarifying letter giving the reasons for denial of licensure, which Mr. Cousineau has done, so that case will be closed. In the Fani-Salek appeal case, the briefs have been submitted and oral argument is set for September 26th.

Ms. Hegeduis reported that in the Giarrusso case, Ms. Giarrusso's attorneys filed a motion to disqualify the current attorneys for both the Board and the Nevada Health Professionals Assistance Foundation, claiming there was a conflict, and she was successful in defeating the motion. They filed a motion for reconsideration and she was successful in defeating that motion as well. The parties have entered into a discovery plan and the trial should be scheduled for the latter part of 2007. The depositions of Dr. Giarrusso and her husband have been scheduled for this month. Some Board members and staff may also be deposed. Following discovery, she will determine what should be done next.

Agenda Item 21

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. AMIR BACCHUS, M.D., BME CASE NO. 06-11257-1**

- Lyn E. Beggs, J.D., Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the Investigative Committee members who had reviewed the case and made the recommendation for settlement.

Dr. Anwar asked whether the adjudicating Board members had reviewed the information provided relative to the proposed settlement, and all indicated they had.

Dr. Anjum summarized the facts of the case. The patient had surgery at the hospital, and following surgery developed a drop in hemoglobin/hematocrit. Dr. Bacchus was called, and took some measures. Later the patient developed a massive hemorrhage and subsequently expired due to post-operative complications.

Discussion ensued concerning whether Dr. Bacchus' treatment was appropriate under the circumstances.

Dr. Held outlined the terms of the settlement agreement. Dr. Bacchus would admit to one count of malpractice, would be required to attend 12 hours continuing medical education and would reimburse the Board's costs of investigation and prosecution of the case against him.

Mrs. Kirch moved that the Board accept the settlement as presented. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 22

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. LAYFE ANTHONY, M.D., BME CASE NO. 05-11193-1**

- Lyn E. Beggs J.D., Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the Investigative Committee members who had reviewed the case and made the recommendation for settlement. She then summarized the facts of the case. The state of Utah issued an emergency order restricting Dr. Anthony's license. When applying for licensure in Nevada, Dr. Anthony responded affirmatively to all the appropriate questions admitting to the restrictions upon his Utah license. He subsequently provided care to a patient outside of the parameters of the restrictions placed on his license in Utah and the state of Utah suspended his license. He failed to notify the Nevada Board of the action. In 2002 he pled no contest to one count of negligent homicide, a Class A misdemeanor in Utah, and did provide explanatory information to the Nevada Board concerning that, but did not disclose the

suspension of his remaining medical privileges from August 2001. He entered into a stipulation and order in Utah which stayed the suspension of his Utah license and placed him on probation for 5 years. The counts of the Nevada complaint against him were that he was suspended by the state of Utah in August of 2001, a violation of NRS 630.301, that he failed to report the revocation, suspension or surrender of a license in another state and failed to report the suspension of his remaining medical privileges, and that he failed to disclose the suspension of his license in Utah on his Nevada renewal application.

Ms. Hegeduis then described the terms of the settlement agreement. Dr. Anthony would be found guilty of failing to report the suspension of his remaining medical privileges within 30 days and to have renewed an application to practice medicine with an inaccurate or incomplete statement by failing to disclose the suspension of his remaining medical privileges. The Board would suspend Dr. Anthony's license to practice medicine for 12 months, and the suspension would be stayed on the condition that Dr. Anthony remain in compliance with, and satisfactorily complete, his probationary period in Utah, set to expire on August 26, 2008, and that he provide proof of satisfactory completion to the Board. For the duration of his probationary period, Dr. Anthony is to provide quarterly compliance reports from the Department of Commerce of the state of Utah to the Nevada Board's compliance officer. If Dr. Anthony returns to the state of Nevada, he is to notify the Nevada Board within 7 days, and notify the Board thereafter of any change in practice location. Dr. Anthony shall refrain from performing liposuction procedures. Dr. Anthony shall issue all controlled substance prescriptions in sequentially-numbered triplicate form and submit a copy of all controlled substance prescriptions to the compliance officer of the Nevada Board for review, he shall keep and maintain a controlled substance prescription log and submit copies of the log to the Board's compliance officer for review, and he shall keep and maintain a controlled substance purchase and administration log and provide copies to the Board's compliance officer. Dr. Anthony shall meet with the Board as requested to address the terms of his probation, he shall notify any employers or partners of his probationary status and of the terms and conditions contained in the stipulation and order and submit written verification from employers/partners to the Board acknowledging that the employers/partners received the information. Dr. Anthony shall complete significant obstetrical re-education, consisting of at least a mini-residency, before commencing practice in obstetrics. If Dr. Anthony fails to practice medicine during the probationary period for a period in excess of 60 consecutive days, that period shall not apply to the reduction of the probation period. Dr. Anthony shall maintain his licenses to practice medicine and to administer and prescribe controlled substances in the state of Nevada in active status during the duration of his probation, he shall notify the Board in writing immediately of any change in address, he shall not engage in any acts of unprofessional and/or unlawful conduct regardless of the location of such conduct. Should such acts come to the attention of the Board or should Dr. Anthony violate any of the terms of the Stipulation and Order, the Board may, upon giving Dr. Anthony notice and opportunity to be heard, revoke his probation and invoke the suspension of his license for the length of time previously set forth in the Stipulation and Order. The Board may initiate disciplinary action for any new violations of the Medical Practice Act as set forth in Nevada Revised Statutes chapter 630. Dr. Anthony shall be responsible for all costs associated with his probationary period and he shall appear before the Board for review of his probationary period before the restrictions will be lifted and his license is returned to full active status. Dr. Anthony will reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case against him within 60 days of the acceptance, adoption and approval of the Settlement Agreement by the Board. Count I of the complaint shall be dismissed.

Mrs. Kirch stated that the period of the Nevada suspension in the settlement agreement was not the same as that of the Utah suspension.

Discussion ensued concerning the wording of the settlement and the intent. Dr. Baepler stated the intent was for the Nevada suspension period to coincide with that of Utah.

Dr. Anwar stated that although there is a contradiction in wording, from a practical point of view it doesn't make any difference, so the Board can accept it.

Dr. Held stated that Dr. Anthony can practice medicine because the suspension is stayed, and the conditions run through the duration of the Utah probationary period, so that covers it.

Dr. McBride moved that the Board accept the settlement as presented, with the addition that Mrs. Kirch's comments are reflected in the minutes as to the Board's concerns with regard to the wording. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 23

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ROSS TONKENS, M.D., BME CASE NO. 01-8590-1**

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

**OPEN SESSION**

Ms. Brand described the facts of the case. Dr. Tonkens prescribed Methadone to his wife on three non-emergency occasions. He is living out of state and not likely to come back to Nevada or practice medicine again. Ms. Brand then described the terms of the settlement agreement. Dr. Tonkens would be found guilty of prescribing a schedule II controlled substance to his wife on three non-emergency occasions in 1999 and 2000, and would be issued a public letter of reprimand and would reimburse the Board's costs of investigation and prosecution of the case against him.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 25

**LICENSURE RATIFICATION**

Dr. Baepler moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the June 9 & 10, 2006 Board meeting. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 27

**MATTERS FOR FUTURE AGENDA**

Mr. Clark stated the following matters will be on the Agenda for the December 2006 Board meeting: consideration of proposed 2007 meeting schedule; consideration and approval of the biennial budget for fiscal years 2008 and 2009; and consideration of the 2007-2009 biennial renewal fees for physicians and physician assistants.

Dr. Anjum requested that a policy for licensing physicians who are coming to the state for one-time training or demonstrations be put on the agenda for discussion.

Dr. Anwar suggested the Board hold a retreat. Discussion ensued concerning scheduling of a retreat, possibly in conjunction with the Federation annual meeting.

Wayne C. Hardwick, M.D., current President of the Nevada State Medical Association, introduced himself to the Board.

**RECESS**

Dr. Anwar recessed the meeting for lunch at 12:20 p.m.

**RECONVENE**

Dr. Anwar reconvened the meeting at 1:15 p.m.

Agenda Item 14

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ROBERT WATSON, M.D., BME CASE NO. 05-12823-1**

- Edward O. Cousineau, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. The patient was a 51-year-old male, who saw Dr. Watson for possible removal of a non-functioning right testicle concurrent with a hernia repair procedure. The complaint alleged Dr. Watson did not perform a genital exam on the patient nor obtain an informed consent or document discussion with the patient of any potential risks. The hernia repair was performed and Dr. Watson removed the left, functioning testicle. As a result of the mistake, the patient was required to undergo hormone replacement therapy. The complaint alleged malpractice.

Dr. Anjum moved to go into Closed Session. Dr. Rodriguez seconded the motion, and it passed.

Upon returning to Open Session, Mrs. Kirch moved that the Board find Dr Watson guilty of one count of malpractice. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Dr. Anwar asked the adjudicating Board members whether they were aware of the potential sanctions the Board could impose upon Dr. Watson, and all indicated they were.

Dr. McBride moved that the Board impose a probationary period of six months during which all operative procedures performed by Dr. Watson would be reported to the Board with copies of the history and physical, operative notes and pathology reports, that Dr. Watson receive a public letter of reprimand, and that he be required to take at least 12 hours of continuing medical education courses in medical record-keeping and ethics, requiring his personal attendance and at his own expense, within a year of the date of the Board's order, and that he reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 15

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. DOLUE EZEANOLUE, M.D., BME CASE NO. 05-11980-1**

- Edward O. Cousineau, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. The patient was a 34-year-old male. He appeared at the hospital with complaints of chest pain and nausea. The patient's medical history included hodgkins lymphoma, a splenectomy and heavy alcohol intake. The patient was admitted and various tests were ordered. Dr. Ezeanolue wrote discharge orders for the patient the following day indicating a diagnosis of onset diabetes and probable food poisoning. The patient was not discharged because of a change in his condition, including shortness of breath and he had a fruity odor about him. Additional tests were ordered and a diagnosis of metabolic acidosis was made. The patient was transferred to the ICU and various physicians were called in for consultation. The patient died several days later due to multiple organ failure with diabetic acidosis and pancreatitis. The complaint alleged malpractice.

Dr. Anjum moved to go into Closed Session. Dr. Held seconded the motion, and it passed.

Upon returning to Open Session, Dr. Rodriguez moved that the Board find Dr. Ezeanolue, M.D. not guilty of malpractice. Dr. McBride seconded the motion, and it failed, with Dr. Rodriguez, Dr. McBride and Dr. Anjum voting in favor of the motion and Dr. Baepler, Dr. Held, Ms. Stoess and Dr. Lamerson voting against the motion.

Dr. Baepler moved that the Board find Dr. Ezeanolue guilty of one count of malpractice. Dr. Held seconded the motion, and it passed, with Dr. Baepler, Dr. Held, Ms. Stoess and Dr. Lamerson voting in favor of the motion and Dr. Rodriguez, Dr. McBride and Dr. Anjum voting against the motion.

Dr. Rodriguez moved that Dr. Ezeanolue receive a public reprimand and that he be ordered to reimburse the Board's costs of investigation and prosecution of the case against him, payable within 90 days of the date of the Board's order. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 16

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. THOMAS BLAIR, M.D., BME CASE NO. 05-6042-1**

- Lyn E. Beggs, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. Dr. Blair had an inactive license in Nevada and an active license and active DEA number in California. Dr. Blair placed two family members in an assisted living facility in Nevada. During the time that his family members resided in the facility, Dr. Blair sent medical orders to the facility regarding the care of his family members, he sent packages of prescribed medications to one of his family members and dispensed medications to both family members in Nevada. The dispensed medications were labeled incorrectly and included the name of a primary care physician rather than his own. There were three counts against him. Count I alleges a violation of NRS 630.306(5) by practicing medicine beyond the scope permitted by law in that Dr. Blair was not licensed to practice medicine in Nevada, yet he provided medical orders regarding treatment of family members in Nevada. Count II alleges a violation of NRS 630.306(3), for dispensing a dangerous drug with an inappropriate label. Count III alleges a violation of NRS 630.306(3) for dispensing a dangerous drug that had exceeded its expiration date, making it unlawful to dispense or give away pursuant to Pharmacy Board Statute 639.282(1)(d).

Dr. Rodriguez moved to go into Closed Session. Dr. Lameson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Held moved that the Board find Dr. Blair not guilty of the charges against him. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 17

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. RONALD ROSEN, M.D., BME CASE NO. 05-10166-01**

- Edward O. Cousineau, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. Dr. Rosen performed a laparoscopic removal of the gall bladder of a 49-year-old male patient. During the surgery, it is alleged Dr. Rosen clipped and cut what he thought was a cystic duct, but was the common bile duct, and what he thought was a cystic artery, but was the common hepatic duct. When he discovered his errors, he attempted repair. The complaint alleged malpractice.

Dr. Baepler moved to go into Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board find Dr. Rosen not guilty of the charges alleged against him. Dr. McBride seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 18

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. MADHU THAKKER, M.D., BME CASE NO. 05-10713-1**

- Lyn E. Beggs, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. A 33-year-old male patient complained to Dr. Thakker that his primary physician had been unable to resolve his otitis, an infection apparently resulting from swimming. He was also diabetic. He was started on medication and a wick was inserted, which was removed three days later. The patient's condition worsened, and an audiogram and tympanometry were completed and the patient was found to have a perforated drum. The patient was seen several times thereafter, but his condition continued to worsen. Cultures were not taken. The patient saw another physician, who ordered another audiogram and tympanometry and also ordered a CT scan, which revealed the patient was suffering from mastoiditis. The complaint alleged malpractice.

Dr. Held moved to go into Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Held moved that the Board find Dr. Thakker not guilty of the charges against him. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 19

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ELLIOTT SCHMERLER, M.D., BME CASE NO. 05-9279-1**

- Edward O. Cousineau, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. Dr. Schmerler performed three separate liposuction procedures on a 29-year-old female patient between April 2000 and June 2000. The complaint alleges the physician's care fell below the standard of care based upon poor pre-operative work-up, poor documentation of monitoring over the course of the procedures, unsafe levels of lidocaine administration, inappropriate use of antibiotics, and operating on the patient when she was suffering from an infection at the wound site of the first procedure. The medical records also indicate the patient suffered a significant blood loss during the second procedure, that the amount of blood loss was excessive and unsafe and the procedure should have been aborted. The complaint alleged malpractice.

Ms. Stoess moved to go into Closed Session. Dr. Baepler seconded the motion, and it passed.

Upon returning to Open Session, Dr. Rodriguez moved that the Board find Dr. Schmerler guilty of malpractice for failure to adequately perform a pre-op work-up and failure to adequately document monitoring of the vital signs during the procedures. Dr. Baepler seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Dr. McBride moved that Dr. Schmerler receive a public reprimand and that he be ordered to reimburse the Board's costs of investigation and prosecution of the case against him. Dr. Lamerson seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 20

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ARMANDO MICIANO, M.D., BME CASE NO. 05-11999-1**

- Edward O. Cousineau, Deputy General Counsel

**OPEN SESSION**

Ms. Hegeduis named the adjudicating members. The non-adjudicating Board members left the room.

Ms. Hegeduis summarized the facts of the case. The DEA contacted the Board expressing concerns about the prescribing practices of Dr. Miciano. Investigation indicated Dr. Miciano was prescribing controlled substances excessively and deviated from the standard of care in numerous instances, and that the deaths of two patients resulted from the excessive prescribing. One patient was a 54-year-old male, who was treated by Dr. Miciano for chronic back and shoulder pain. The coroner's report indicated he died of demerol intoxication. The other patient was a 46-year-old female, who was treated by Dr. Miciano for bipolar disorder, chronic back pain, fibromyalgia and discogenic disease. The coroner's report indicated she died of fentanyl intoxication. The complaint alleged two counts of malpractice for his treatment of these two patients.

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

Upon returning to Open Session, Dr. Rodriguez moved that the Board find Dr. Miciano not guilty of the charges against him. Dr. McBride seconded the motion, and it passed, with Mrs. Kirch and Dr. Lamerson voting against the motion and the remaining adjudicating Board members voting in favor of the motion.

Agenda Item 26

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

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

**CLOSED SESSION**

**26(a) Harold Henning, Jr., M.D.**

Dr. McBride questioned Harold Henning, Jr., M.D., who appeared before the Board to respond to questions concerning his affirmative response to Question 12 on his application for licensure.

Dr. Henning explained the circumstances surrounding the malpractice claims against him.

Dr. McBride moved that the Board grant Dr. Henning's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. McBride moved that the Board return to Closed Session. Dr. Held seconded the motion, and it passed.

**26(b) Titilola Famakinwa, M.D.**

Dr. Anwar questioned Titilola Famakinwa, M.D., who appeared before the Board to respond to questions concerning her medical education and training.

Dr. Famakinwa described her education at the Kigezi International School of Medicine and her clinical training in Uganda and in England. She explained that she completed her residency on a J1 Visa and was currently in the process of obtaining a J1 waiver.

Dr. Baepler moved that the Board grant Dr. Famakinwa's application for licensure, pending clarification of her Visa status. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. McBride moved that the Board return to Closed Session. Dr. Rodriguez seconded the motion, and it passed.

**26(c) Carmen Espitia, M.D.**

Dr. Lamerson questioned Carmen Espitia, M.D., who appeared before the Board to respond to questions concerning her affirmative response to Question 13 on her application for licensure.

Dr. Espitia explained the circumstances surrounding her arrest in 2001 for driving under the influence, and why she failed part two of her Board exams.

Dr. Lamerson moved that the Board grant Dr. Espitia's application for licensure. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Held moved to return to Closed Session for the same purposes stated before. McBride seconded the motion, and it passed.

**26(d) Gordon Bodzin, M.D.**

Gordon Bodzin, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Baepler questioned Dr. Bodzin regarding why it took him almost 9 years to pass all three steps of the USMLE.

Dr. Bodzin explained that part of the reason it took him so much time to pass all three steps of the USMLE was because he changed residency programs.

Dr. Baepler explained the circumstances under which the Board grants licensure by endorsement, and stated that Dr. Bodzin did not qualify for a license by endorsement.

Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Bodzin. Ms. Stoess seconded the motion, and it passed unanimously, with Dr. McBride abstaining from the vote and the Chair voting in favor of the motion.

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

**26(c) Carmen Espitia, M.D. (CONTINUED)**

Upon returning to Open Session, Dr. Lamerson made the following addendum to her motion to grant Dr. Espitia's application for licensure: that Dr. Espitia be granted a license contingent upon her participation in, and successful completion of, her one-year contract with the Diversion Program, if deemed appropriate by the Nevada Health Professionals Assistance Foundation. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

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

**26(e) Michelle Washington, C.R.T.**

Ms. Stoess questioned Michelle Washington, C.R.T., who appeared before the Board to respond to questions concerning her affirmative responses to Questions 12 and 19 on her application for licensure.

Ms. Washington explained how she was able to convince the California Medical Board to change its decision to deny her a license and grant her a license with conditions, and she described the circumstances surrounding her arrests for possession of stolen property and theft.

Dr. McBride moved that the Board return to Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar explained to Ms. Washington that there were a number of issues with her application and there was a possibility that if the Board voted on her application, she might not be granted a license, which would be reportable and would go on her record as a denial of license, so she had the option to withdraw her application at that time.

Dr. Anjum provided additional explanation as to what would occur if the Board voted to deny Ms. Washington's application for licensure.

Ms. Washington withdrew her application.

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

**26(f) George Palermo, M.D.**

George Palermo, M.D. did not appear before the Board on his application for licensure by endorsement [as he had been advised by Board staff that under his particular circumstances, he did not have to appear].

Dr. Rodriguez moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Palermo. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**RECESS**

Dr. McBride moved to recess the meeting for the evening. Dr. Held seconded the motion, and it passed. Dr. Anwar recessed the meeting at 5:35 p.m.

**SATURDAY, SEPTEMBER 16, 2006**

***Board Members Present***

Javaid Anwar, M.D., President  
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer  
Marlene J. Kirch  
Charles N. Held, M.D.  
Jean Stoess, M.A.  
Cindy Lamerson, M.D.  
S. Daniel McBride, M.D.  
Benjamin J. Rodriguez, M.D.

***Board Members Absent***

Sohail U. Anjum, M.D., Vice President

***Staff Present***

Drennan A. Clark, J.D., Executive Director/Special Counsel  
Laurie L. Munson, Deputy Executive Director/  
Information Systems Administrator/Chief of Administration  
Bonnie S. Brand, J.D., General Counsel  
Jerry C. Calvanese, M.D., Medical Reviewer  
Lynnette L. Daniels, Chief of Licensing  
Carolyn H. Castleman, Deputy Chief of Licensing  
Donald A. Andreas, Investigator (in Las Vegas)

***Also Present***

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

**RECONVENE**

Dr. Anwar reconvened the meeting at 8:40 a.m.

Agenda Item 24

**CONSIDERATION OF REQUEST BY ROBERT S. CHANCELLOR, M.D. FOR MODIFICATION OF RESTRICTIONS UPON HIS LICENSE TO PRACTICE**

- Maria Nutile, Esq., Nutile Law & Associates

Dr. Held moved to go into Closed Session. Dr. McBride seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar asked whether Dr. Chancellor had been complying with the restrictions placed upon him by the Board. Ms. Nutile stated that was the problem. Dr. Chancellor had been having difficulty finding a supervising ENT physician in Nevada. He had not practiced ENT surgery, so he had fulfilled that condition, but she was a little confused by the question because the issue at hand was that Dr. Chancellor had been unable to find a way to fulfill some of the restrictions that had been imposed and had reached a dead-end with a couple of them and was at an impasse. He had not been practicing medicine

at all because he had been unable to find a physician licensed by the Nevada Board of Medical Examiners who would supervise him, pursuant to the fourth restriction. In 2002 he entered into a five-year contract with the Nevada Health Professionals Assistance Foundation and had been monitored twice a month in California.

Dr. McBride stated if the restrictions were lifted to allow him to attend the proposed training at UCLA, clarification would be required as to whether Dr. Chancellor would have hands-on training on human tissue versus watching procedures being done in the program at UCLA because it was a critical issue in terms of skills to practice ENT surgery. Ms. Nutile stated even if the Nevada Board lifted the restriction that the supervising physician be a physician licensed by the Nevada Board of Medical Examiners and allow the UCLA program to fulfill that requirement, Dr. Chancellor would still not be able to get hands-on training in California with the remaining restrictions on his license in Nevada. Discussion ensued concerning the possibility of issuing Dr. Chancellor a new license restricted to resident-type training to allow him to pursue a residency program in another state. Ms. Nutile stated California would not issue a license to Dr. Chancellor if he had any restrictions on his Nevada license, including a license restricted to residency training. Dr. Chancellor stated that because he is not right out of medical school, California would not approve an application for licensure if he had any restrictions on his license at all, including a restriction limited to residency training.

Dr. Lamerson stated that if the Board allowed Dr. Chancellor to do the training at UCLA in ENT medicine as proposed by Dr. Chancellor, and accept that training to fulfill the supervision requirement, then Dr. Chancellor could come back to Nevada and practice ENT medicine unsupervised. However, he would still be precluded from practicing ENT surgery. Dr. Baepler stated that with respect to restriction number 5, the Board would expect quarterly reports from the program that Dr. Chancellor was in good standing with the program.

Ms. Nutile stated her understanding of what the Board was proposing was that if Dr. Chancellor completed the six-month program at UCLA and had satisfactory reports of good standing, the supervision restriction would be lifted but he would still be restricted from performing ENT surgery, and his practice would be solely limited to ENT medicine, and when he came up for re-licensure in March of 2007, he would still not be able to do anything to have the remaining restrictions lifted, so it appeared he would have restrictions upon him in perpetuity.

Dr. Held asked Dr. Chancellor if it was his understanding that if he had an unrestricted license in Nevada, he could get a California license and UCLA would allow him to do hands-on surgery at UCLA. Dr. Chancellor stated he didn't know whether UCLA would allow him to come in for six months and act as a resident. The offer from UCLA was to allow him to go in and observe in order to bring him up to speed on current techniques.

Dr. McBride moved that the Board return to Closed Session. Dr. Held seconded the motion, and it passed.

Upon returning to Open Session, Dr. Baepler moved that the Board reword restriction number 4 to say, "Practice only under the supervision of a licensed physician." That physician could be a D.O. or an M.D., and could be in another state, which would allow Dr. Chancellor an opportunity to get hands-on experience, and the Board would invite him to explore alternatives to that and come back to the Board if he had a viable alternative he wished to present.

Meanwhile, he could be employed and practice under the supervision of a physician in ENT, but with the exception of performing surgery. Mrs. Kirch seconded the motion.

Ms. Nutile stated that Dr. Chancellor had requested several years ago, and they had again requested in their current motion for reconsideration, that the restriction with respect to ENT be removed and that Dr. Chancellor be permitted to practice in the area of general medicine. She wanted to clarify that because someone on the Board had said that request had never been made to the Board. She is not sure why some of the restrictions were placed upon Dr. Chancellor in the first place because there was never an issue as to Dr. Chancellor's competency as a physician, and asked for an explanation.

Dr. Baepler explained that the first two or three years there had been problems between Dr. Chancellor and the Board regarding self-denial by Dr. Chancellor regarding his cocaine usage, and the Board had some very bad experiences observing Dr. Chancellor under the influence of cocaine. The cocaine was apparently no longer a problem to the Board and they were trying to find a way to rehabilitate his skills and allow him to practice ENT medicine, which is his field of specialization, but without surgery at this time because of his inactivity during the last several years. Mrs. Kirch added that Dr. Chancellor had stated he only wanted to practice ENT, and that was the basis for that restriction.

Ms. Nutile stated that at one point, several years ago, Dr. Chancellor asked the Board to allow him to practice general medicine, and that is why he took SPEX and continued to demonstrate competency in the area of general medicine. If he were allowed to practice general medicine it would allow him to work and start earning an income in the area of medicine.

Discussion ensued concerning the proposed modification to the restrictions upon Dr. Chancellor's license.

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

Agenda Item 26 ***(CONTINUED)***  
**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS  
FOR LICENSURE**

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

**CLOSED SESSION**

**26(g) Robert Rosen, M.D.**

Robert Rosen, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Held questioned Dr. Rosen concerning his practice history.

Dr. Rosen described his practice history.

Dr. Rodriguez moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Rosen. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Rodriguez moved that the Board grant an unrestricted license to Dr. Rosen, subject to successful passage of a peer review. Ms. Stoess seconded the motion, and it passed, with Mrs. Kirch, Dr. Held and Dr. Lamerson voting against the motion, and the Chair voting in favor of the motion.

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

**26(h) Manolo Montes, M.D.**

Manolo Montes, M.D. appeared before the Board on his application for licensure by endorsement.

Mrs. Kirch questioned Dr. Montes concerning why it took him over 7 years to pass all three steps of the USMLE.

Dr. Montes explained that he would have passed all three steps within 15 months if he had not taken the first part as a practice exam in 1993. He failed step 3 four times before passing because he had been away from medical school for 20 years before he took step 3. Once he took a refresher course, he passed it. He passed his written anesthesiology boards the first time he took them, in 2005, and will take the oral boards in April of 2007.

Dr. Lamerson questioned Dr. Montes concerning his negative response to Question 19 on his application for licensure.

Dr. Montes explained that he responded negatively because it was 10 years ago and he didn't know that the term "probation" included academics; he thought it referred to sexual misconduct, harassment, drug dependence or abuse, something criminal. Dr. Montes stated he would withdraw his application if the Board felt that he had misled it regarding that question.

Dr. McBride moved that the Board return to Closed Session. Dr. Lamerson seconded the motion, and it passed.

Upon returning to Open Session, Dr. Anwar stated the Board was going to allow Dr. Montes to withdraw his application for licensure, which would not be reportable.

Dr. Montes withdrew his application.

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

**26(i) Ioan (Tal) Thomas, M.D.**

Ioan (Tal) Thomas, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. McBride questioned Dr. Thomas concerning his postgraduate training and his practice history.

Dr. Thomas stated he had been a professor at L.S.U. until the facility let many staff go following Hurricane Katrina. He was currently a professor of genetics at UNLV and if he received a Nevada license, he would continue to teach at the school, and would treat patients.

Dr. McBride moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Thomas. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

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

**26(j) Thomas Glynn, M.D.**

Thomas Glynn, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Baepler questioned Dr. Glynn concerning his fellowship with the American College of Radiology.

Dr. Glynn explained the discrepancy between the date on the documentation of his fellowship from the American Board of Radiology and the date he was granted the fellowship.

Dr. Baepler explained the circumstances under which the Board grants licensure by endorsement, and stated that Dr. Glynn did not qualify for a license by endorsement.

Dr. Baepler moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Glynn. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Baepler moved that the Board grant an unrestricted license to Dr. Glynn, subject to successful passage of a peer review. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

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

**26(k) Christian Fitzpatrick, M.D.**

Mrs. Kirch questioned Christian Fitzpatrick, M.D., who appeared before the Board to respond to questions concerning his negative response to Question 19 on his application for licensure restricted to the Southern Nevada Mental Health Center.

Dr. Fitzpatrick described the circumstances that led to his being placed on probation while in residency training, and stated he responded negatively to Question 19 on his application because he had forgotten about it. He explained why he had chosen to do locum tenens work.

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

Upon returning to Open Session, Dr. Anwar asked Dr. Fitzpatrick whether he had any medical condition that might impair his ability to function as a doctor or whether he was taking any medications, and he answered "no" to both. Dr. McBride stated Dr. Fitzpatrick's affect appeared a little strange, and Dr. Fitzpatrick explained that he did not see well with the glasses he was wearing, and stated that he was stiff due to chronic pain from an accident that occurred when he was 18.

Dr. Held moved that the Board grant Dr. Fitzpatrick's application for licensure restricted to the practice of medicine at Southern Nevada Mental Health Center. Dr. Baepler seconded the motion, and it passed, with Mrs. Kirch voting against the motion and the Chair voting in favor of the motion.

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

**26(l) Patricia Riley, M.D.**

Patricia Riley, M.D. appeared before the Board on her application for licensure by endorsement.

Dr. Held questioned Dr. Riley concerning her recertification history and her affirmative response to Question 12 on her application for licensure.

Dr. Riley explained that she failed her second recertification in general surgery because she had done only breast surgery the past 16 years and hadn't practiced general surgery in about 17 years, and was in the process of moving at the time she took the exam, so it was a pretty traumatic time for her. She described the circumstances surrounding the single malpractice claim against her.

Dr. Held moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Riley. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Held moved that the Board grant an unrestricted license to Dr. Riley, subject to successful passage of a peer review. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

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

**26(m) Randall Rasmussen, M.D.**

Randall Rasmussen, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar explained the circumstances under which the Board grants licensure by endorsement, and stated that Dr. Rasmussen did not qualify for a license by endorsement.

Dr. Rodriguez questioned Dr. Rasmussen concerning what he planned to do if he were to be granted a Nevada license.

Dr. Rasmussen stated that he worked for a company named RMS Lifeline, which is a subsidiary of DaVita Dialysis, the largest dialysis company in America, and that RMS Lifeline's singular purpose is to start outpatient "surgery centers" to provide vascular access for dialysis patients. They do not perform dialysis in those centers; they only provide dialysis access. His role with RMS is to provide guidance, oversight and teaching at the centers so the physicians at the centers provide expert care at those centers, which become centers of expertise.

Dr. Rodriguez moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Rasmussen. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Rodriguez moved that the Board grant an unrestricted license to Dr. Rasmussen, subject to successful passage of a peer review. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. McBride moved that the Board return to Closed Session to discuss a matter at the request of Mr. Clark. Dr. Rodriguez seconded the motion, and it passed.

Agenda Item 28  
**PUBLIC COMMENT**

Donald Sjoblom addressed the Board concerning his displeasure with the outcome of a complaint he had filed with the Board.

**ADJOURNMENT**

Dr. McBride moved to adjourn the meeting. Mrs. Kirch seconded the motion, and it passed. Dr. Anwar adjourned the meeting at 12:10 p.m.