



# Nevada State Board of Medical Examiners

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

### **OPEN SESSION BOARD MEETING**

**Held in the Five Spot Room Conference Room at the Renaissance Las Vegas  
Hotel – Las Vegas  
3400 Paradise Road, Las Vegas, Nevada 89169**

and videoconferenced to

**The Nevada State Board of Medical Examiners Conference Room  
1105 Terminal Way, Suite 301, Reno, Nevada 89502**

***FRIDAY, NOVEMBER 30, 2007 – 8:30 a.m.***  
***and***  
***SATURDAY, DECEMBER 1, 2007 – 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  
Charles N. Held, M.D.  
Jean Stoess, M.A.  
Cindy Lamerson, M.D.  
S. Daniel McBride, M.D.  
Benjamin J. Rodriguez, M.D.  
Renee West

#### ***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  
Edward O. Cousineau, J.D., Deputy General Counsel  
Lyn E. Beggs, J.D., Deputy General Counsel  
Douglas C. Cooper, Chief of Investigations  
Lynnette L. Daniels, Chief of Licensing  
Carolyn H. Castleman, Deputy Chief of Licensing  
Jerry C. Calvanese, M.D., Medical Reviewer

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

Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General  
Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation  
John Lanzillotta, P.A.-C, Physician Assistant Advisory Committee Member  
Janet Wheble, P.A.-C, Physician Assistant Advisory Committee Member  
Peggy Alby, R.R.T., Practitioner of Respiratory Care Committee Member

## **FRIDAY, NOVEMBER 30, 2007**

### Agenda Item 1

#### **CALL TO ORDER AND ANNOUNCEMENTS**

- Roll Call/Quorum
- Javaid Anwar, M.D., President

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

Ms. Guerci-Nyhus took roll call of the Board members and announced there was a quorum.

### Agenda Item 2

#### **APPROVAL OF MINUTES**

- August 22, 2007 Emergency Telephone Conference Call Board Meeting – Open Session
- September 14, 2007 Board Meeting – Open/Closed Sessions

Dr. Rodriguez moved to approve the Minutes of the August 22, 2007 Emergency Telephone Conference Call Board Meeting - Open Session, and the September 14, 2007 Board Meeting - Open/Closed Sessions. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

### Agenda Item 5

#### **REVIEW OF STATUS OF MINI-INTERNSHIP PROGRAM ATTENDED BY GLEN D. LYBBERT, M.D. AND POTENTIAL FOR FULL REINSTATEMENT OF LICENSE**

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

Mr. Clark advised the Board that Dr. Lybbert had suffered from a series of medical problems and was currently recovering from cancer surgery. Dr. Lybbert thinks he will be able to return to his proctorship by the end of the year and the OB/Gyn who is supervising him will make a report to the Board for the March meeting.

### Agenda Item 6

#### **DISCUSSION CONCERNING TASK FORCE TO DEVELOP A PROGRAM FOR PHYSICIAN RE-ENTRY INTO PRACTICE OF MEDICINE**

- Charles N. Held, M.D., Board Member; Cindy Lamerson, M.D., Board Member;  
S. Daniel McBride, M.D., Board Member

Mr. Clark stated that a presentation was made at the Federation Annual Meeting in San Francisco concerning a couple of programs other states had put into effect to assist physicians who had been out of practice for a while to get the training needed to return to the practice of medicine. At the last Board meeting the Board decided it wanted to look into that and created a task force to do so. The Oregon Board is one of two states that currently have a successful program in place, and Mr. Clark talked with the Executive Director of that Board. They are running their program in conjunction with the medical school in Portland. They are not interested in having other states send their physicians to participate in their program, but would be willing to meet with any of our Board members who might be interested, to show them what they are doing and explain how they got their legislature to force the university to work with them.

Dr. Lamerson stated the problem is not with those physicians who have been out of practice by choice, but those who have been out due to drug problems, or other problems. Trying to set up a program for those very few who in Nevada would require this type of training would be very costly and the current financial situation of the Board would not be conducive to doing so, so it would be ideal if the Board could find a program in another state that would be willing to take them.

Dr. McBride said that Nevada has a very limited number of residencies so it would be difficult to find spots for those physicians even if someone was willing to take them on, and this is something that the Board should bring to the attention of the Legislature.

Mr. Clark stated he would provide the names of those physicians involved in the program in Oregon to the members of the Board's task force.

### Agenda Item 3

#### **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, Creating Grounds for Initiating Administrative Sanctions Against a License for Failure to Submit to the Board a Report as Required Under NRS 630.30665
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Delete Provision from NAC 630.350(1) Requiring Physician Assistants to File their Applications for Renewal of Licensure Not Less Than 30 Days Before Expiration of their Licenses Revise Time
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Add a Provision that Once Disciplinary Charges are Filed Against a Licensee, the Board is Required to Offer the Licensee an Optional Informal and Confidential Meeting to Explore the Possibility of Settlement or Other Resolution of the Disciplinary Charges
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Add a Provision Authorizing the Board to Approve Two Hours of Continuing Medical Education Credit in Ethics Per Biennium to Licensed Physician Members of the Board for their Participation as Members of the Board
- 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, Creating Grounds for Initiating Administrative Sanctions Against a License for Failure to Submit to the Board a Report as Required Under NRS 630.30665**

Mr. Cousineau stated that two workshops and a hearing had been held on the proposed regulation and Mr. Clark had sent correspondence to various legislators whom he thought might be interested. The only input received was from Dr. Weldon Havins, CEO and Special Counsel of the Clark County Medical Society, and Lawrence P. Matheis, Executive Director of the Nevada State Medical Association. Mr. Matheis had indicated he felt the main problem with the last reporting period was that the vast majority of the 12 to 20 percent of those licensees who did not report believed they had no obligation to report because they did not perform any procedures that met the definition defined in the statute. With respect to the proposed regulation itself, Mr. Matheis had a couple of concerns. One was that there is no time certain when the reports are due and the other is whether the Board would give those licensees who do not report an opportunity to cure the defect before proceeding to impose the administrative fine, and with disparate application of those fines. Mr. Cousineau said he believes the intent of the Legislature in having the Board impose fines for non-compliance was to increase the number of those who report. Mr. Cousineau stated that Dr. Havins shared Mr. Matheis' concerns.

Mr. Cousineau explained the Board has a statutory obligation to put a regulation in place, and said he thought the only significant change needed to the current proposed regulation would be to incorporate a date certain when the reports are due, and since the Legislature requires a biennial report around mid-February, an appropriate deadline for receipt of the reports might be January 31st.

Discussion ensued concerning the burden the statute and the proposed regulation place upon the Board and its licensees and that fact that there is no clear purpose for requiring this reporting by the Board's licensees and there is no guarantee the information received is accurate.

Mr. Cousineau suggested the Board approach the Legislature at its next session to rescind the statute.

Dr. McBride suggested the Board propose that this reporting be transferred to the State Board of Health. Mr. Clark stated they are already obtaining similar reports from hospitals and surgical centers so it should be an easy thing for them to take on.

Mr. Matheis suggested sending a letter to those licensees who do not report to advise them the Board will impose a fine if they do not submit their report.

Mr. Cousineau asked whether the Board wanted to incorporate a due date into the regulation or adopt the regulation in its current form.

Mr. Cousineau stated that the Board is under an obligation to adopt the regulation, but it is discretionary on the part of the Board as to how it proceeds with enforcement of the regulation.

Ms. Guerci-Nyhus stated the Board is entitled to recoup its costs. There are other Boards and commissions who have similar statutes and requirements on them, and she said she would share some of their procedures with the Board to assist in this regard.

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

**- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Delete Provision from NAC 630.350(1) Requiring Physician Assistants to File their Applications for Renewal of Licensure Not Less Than 30 Days Before Expiration of their Licenses Revise Time**

Mr. Cousineau requested authority to proceed with adoption of a regulation amending NAC 630.350(1), to redact language currently in the regulation that requires physician assistants to file their applications for license renewal 30 days before expiration of their license. This is clean-up language to make the procedure for renewal of physician assistant licenses consistent with the regulations concerning renewal of physician and respiratory therapist licenses, which require submission of renewal applications by the renewal deadline and not 30 days prior thereto.

Dr. Lamerson moved that the Board authorize staff to proceed with adoption of the proposed regulation. Dr. Rodriguez seconded the motion.

Discussion ensued concerning the renewal dates for the three professions the Board licenses and possible changes to same. Ms. Guerci-Nyhus stated that any change in the registration periods would require a change through legislation.

A motion was taken on 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 a Provision that Once Disciplinary Charges are Filed Against a Licensee, the Board is Required to Offer the Licensee an Optional Informal and Confidential Meeting to Explore the Possibility of Settlement or Other Resolution of the Disciplinary Charges**

Mr. Cousineau stated this regulation was being proposed in furtherance of the Legal Division's desire to offer some sort of settlement in cases prior to proceeding with a formal hearing. It is currently discretionary on the part of the Board's counsel, and this change would mandate that settlement negotiations be offered prior to a formal hearing, which might facilitate settlement of more cases. Additionally, if Board counsel were mandated to offer a settlement proposal in all cases, it would negate any possible appearance that the Board has a weak case because it is offering a settlement. There are many jurisdictions that have similar regulations in place.

Discussion ensued concerning the reportability of sanctions from settlements to the National Practitioner Data Bank, the procedure that would be followed between the Legal Division and the Investigative Committees if this regulation were to be adopted, and whether it is necessary to mandate offers of settlement, when the option is currently available whenever circumstances warrant it.

Ms. Guerci-Nyhus suggested that settlement is an internal policy and may be best remaining as such, rather than creating a regulation that will bind the Board for the next 10 or 20 years until it can be undone.

Dr. McBride moved that the Board not adopt the proposed regulation. Dr. Baepler 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 a Provision Authorizing the Board to Approve Two Hours of Continuing Medical Education Credit in Ethics Per Biennium to Licensed Physician Members of the Board for their Participation as Members of the Board**

Mr. Cousineau explained that at the September meeting the Board discussed extending CME credits to physician Board members for their participation as members of the Board. In reviewing the minutes, it was unclear as to whether the Board had granted approval to proceed with adoption of a regulation. The proposal was to grant 1 CME ethics credit for every consecutive 12 months a physician Board member serves on the Board.

Dr. Held moved that the Board authorize staff to proceed with adoption of the regulation as proposed. Dr. Rodriguez seconded the motion, and it passed, with the Chair voting in favor of the motion.

Agenda Item 4

**CONSIDERATION OF THE RESTRICTED LICENSE OF ROBERT S. CHANCELLOR, M.D.**

- Robert S. Chancellor, M.D.

Dr. Anwar asked Dr. Chancellor whether he would like the matter to be heard in closed session, with the public being excluded, and Dr. Chancellor said that he did not.

Ms. Brand stated that she had received information from the Texas Medical Board that Dr. Chancellor had applied for a license there, but they would not license Dr. Chancellor as long as his Nevada license is restricted, unless the Board sends a letter to the Texas Board stating that he is restricted only to "shake off the rust" rather than being restricted for disciplinary reasons, which is the case. If the Nevada Board were to send such a letter, the Texas Board would consider giving him a license, and he would then be eligible to apply for one of many residencies available in Texas.

Mr. Cooper stated there was one other issue related to Dr. Chancellor, which was that the Board had not issued a timeframe in which Dr. Chancellor was to complete his six-months clinical supervision. For compliance purposes, he was requesting that the Board consider putting in place a timeframe for Dr. Chancellor to complete all components of the order.

Dr. Anjum inquired of Dr. Chancellor as to the duration of the mini-residency training program in Texas if he were to be licensed there.

Dr. Chancellor said he had not yet obtained any details concerning the program as it would not be appropriate to do so until he was able to apply.

Dr. Chancellor explained that, with respect to the issue of the timeframe in which to complete his training, he began immediately to attempt to obtain hospital privileges at UMC after the Board accepted Dr. Wong's proposal in March, but the hospital has taken an inordinate amount of time to approve him. He has had malpractice insurance since July 1 and Dr. Wong has written a letter that he is still willing to supervise him, so he has done everything he could to resolve the matter and begin working with Dr. Wong, but he can't do anything until he gets hospital privileges.

Discussion ensued concerning removal of the restriction on Dr. Chancellor's license, or other options available, in order to allow him to obtain his Texas license and participate in one of their mini-residency programs.

Ms. Brand stated that Dr. Chancellor had also requested permission to practice family practice in a clinic setting but not perform surgery.

Dr. Chancellor said he believed he would be granted hospital privileges, but he would only be there for two or three days a month, so it would be beneficial for him to be able to work under supervision in a general medical area in a clinic situation in addition to that. The last time he practiced medicine was in 1998. He passed the SPEX in September 2001.

Dr. Anjum moved that the Board send the letter to the Texas Medical Board as outlined by Ms. Brand. Dr. Rodriguez seconded the motion.

Mr. Cooper asked whether the Board wanted to leave the compliance case open-ended or whether it wanted to add a termination date. The consensus was to leave it open-ended, due to the fact that Dr. Chancellor had encountered such a difficult time finding a training program available to him.

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

#### Agenda Item 7

#### **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 - Peggy Alby, R.R.T., Advisory Committee Member
  - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Charles N. Held, M.D., Board Member, 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 Program Update
- 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, explained that nationally, statistics show that 8 to 10 percent of physicians have a substance abuse disorder over their lifetimes, and only 1 to 2 percent have it for a given period of time. Nevada is right where it should be, in that 1 to 2 percent of the physicians in Nevada are in the Program. The Program's approach as a health and wellness program, as opposed to a disciplinary program, has been very helpful in dealing with participants in the program. There is data that healthy physicians lead to better health of their patients in general, and healthy physicians take better care of their patients. He thanked the Board's staff, and specifically thanked Ms. Brand for her work on behalf of the Board. He also thanked Dr. McBride for his efforts in assisting the Program in obtaining funding and increasing their network with the MECs and medical staffs of hospitals.

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

John Lanzillotta, P.A.-C stated there was a case before the Board at its last meeting involving geriatric care and in discussing the case, comments were made at the time about the roles of physician assistants and nurse practitioners in geriatric care. He said that Physician Assistant Advisory Committee Member Janet Wheble, P.A.-C, works in geriatrics with Dr. Singh at Southwest Medical, and they have an excellent program in providing care in geriatric nursing

homes, with very good physician supervision, follow-up and a set of standards. So he wanted Ms. Wheble to clarify how physician assistants are working in those environments and what is being done as far as following the scope of practice, just as they do in any other setting.

Ms. Wheble stated that at Southwest Medical and other facilities they have regulations and requirements as to how physician assistants are tracked and practice in those facilities, and the facilities themselves have guidelines that require the physicians to review care and charts within a certain period of time. Currently there is movement in the geriatric community in Las Vegas to be more proactive with the seniors and they have organized The Geriatric Consortium. The Consortium meets bi-monthly to discuss issues facing geriatrics and the care provided in the facilities and are trying to improve the care provided to seniors. The Committee has discussed the issue of physician supervision, so that all members of the healthcare team are aware of the requirements, and has been discussing the impact on the profession of the rapid increase in demand for mid-level practitioners in retail facilities, such as Wal-Mart, Walgreens and Save Mart. They will continue to work with the Board to appropriately monitor this expansion.

Mr. Lanzillotta stated that by regulation, physicians are to physically visit facilities once a month to review the physician assistants' work and review charts. He has found that the quality of geriatric care has improved over the years. He feels strongly that wherever the physician assistant may be, the physician must have access to that facility and be there once a month pursuant to the guidelines and regulations.

#### **- Practitioner of Respiratory Care Advisory Committee**

Peggy Alby, R.R.T. requested that the Board approve the appointment of Donald Rider, R.R.T. to the Practitioner of Respiratory Care Advisory Committee. She presented the Board with an overview of Mr. Rider's qualifications and background.

Dr. Held moved that the Board approve the appointment of Donald Rider to the Practitioner of Respiratory Care Advisory Committee. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Ms. Alby advised the Board the Practitioners of Respiratory Care have been actively renewing their licenses through the Board's online renewal process.

**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. Held reported that Investigative Committee A had considered 150 cases, authorized the filing of a formal complaint in 10 cases, requested appearances in 13 cases, issued 19 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up and recommended closure of 105 cases.

Dr. Anjum reported that Investigative Committee B considered 97 cases, authorized the filing of a formal complaint in 3 cases, requested appearances in 9 cases, issued 10 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up and recommended closure of 74 cases.

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

#### **- Investigations Division**

##### **- Status of Investigative Caseload**

Mr. Cooper reported that of the 247 cases that were considered by the Investigative Committees that quarter, the Committees authorized filing complaints in 13 of them, letters of concern were issued in 29 cases and there were 208 cases closed. The reason that IC-A gets more cases is because IC-B is held first so there is less time to assign cases to it. Despite the fact there are an average of 225 cases going to the Investigative Committees every 90 days, the current case count is still 621 open cases, which is an average of 88.7 cases per investigator. There has been a high number of citizen complaints in the last six months, but the number of outstanding civil cases is currently 165, which is down from 300 at one time. The Division has made a concerted effort to reduce the number of peer reviews, and there are currently 15 in the field and 15 pending assignment, which is down from 45 in the field and 65 pending assignment a year ago.

##### **- Compliance Program Update**

Mr. Cooper reported that monies owed to the Board from past adjudications amounted to \$94,000 at the beginning of September, and \$19,000 was added to that from the adjudications at the September Board meeting. The program had collected \$37,000, and the current outstanding balance owed to the Board was \$76,147. There was a redistribution of funds to Dr. Ezeanolue due to reversal of the Board's decision in that case by the district court. Adding the letters of concern issued during the latest investigative committee meetings, 90 letters of concern had been issued for the calendar year, which was the highest number so far.

Discussion ensued concerning the costs of peer reviews and the percentage that come back with a finding of malpractice. Dr. Calvanese said he was currently conducting a study on peer reviews.

#### **- Nevada State Medical Association Liaison Report**

Dr. Lamerson said she had nothing to report.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated the Association's governmental affairs committee was in the process of developing a legislative strategy for the 2009 session. Much of what will occur during the next legislative session will be determined by the Legislature's Interim Committee on Health Care, which is looking at licensing issues of the boards. There have also been a number of regulatory activities that came out of the last session that will overlap and there were changes in rules for doctors with respect to the Pharmacy Board. Another issue that has arisen concerns changing the rules for the J1 visa waiver program to gain better oversight of the process and address various concerns. Additionally, the Association's Public Health Commission was working on assisting physicians with disaster preparedness issues.

**- Clark County Medical Society Liaison Report**

Dr. Rodriguez advised the Board that Dr. Jameson is spearheading the establishment of the free clinic in Clark County, and they are looking for volunteers to provide care to those who are currently slipping through the cracks and in need of health care.

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, stated that in the Board's last newsletter there was an article that indicated that any narcotics prescribed for pain management must be prescribed in accordance with the Model Guidelines of the Federation of State Medical Boards. The Model Guidelines changed in 2004 to the Model Policy, but the guidelines didn't change much. The guidelines referenced in the newsletter apply to treatment of chronic, long-term pain, and do not address the treatment of short-term, acute pain, and his concern is that more people will be suffering because doctors will not treat pain with narcotic medications when it is appropriate to do so for short-term, acute pain, for fear of discipline by the Board for not following the criteria for chronic, long-term pain. He also stated there are many "minute clinics" proposed for Clark County, and there is a push to hire many physician assistants and nurse practitioners for these clinics. He was concerned that there would be appropriate physician supervision at those clinics.

Discussion ensued concerning the fact that the Board of Osteopathic Medicine currently has no professional investigators on its staff and that Board has not taken disciplinary action against any osteopathic physicians during the last year and a half. Dr. McBride stated this is something that should be brought to the attention of the Legislature because the osteopathic physicians need to be held to the same standards as allopathic physicians. Discussed continued.

Dr. Lamerson agreed that the Model Guidelines do not differentiate between chronic and acute pain, and that the Board was referring to chronic pain, so that should be clarified for physicians, but that a history and physical are pertinent when a physician examines a patient and that examination should be documented. What the Board is attempting to do is educate physicians that these are guidelines that are in place to help them.

**- Washoe County Medical Society Liaison Report**

Dr. Lamerson said she had nothing to report.

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

Dr. Baepler stated that the budget situation has not changed. The reserve fund has been disappearing over the last three years and what amazed him was that the auditors had provided the Board with a glowing report at the end of each fiscal year and a glowing management letter that the Board was doing a fine job of managing the money, and now the auditors have provided a critical management letter and have pointed out that the Board has no reserves. The Board must build up a minimum of two months' reserve. The Board spends \$312,000 a month for bare, ongoing expenses that it can't do anything about, but it has to build up at least a \$624,000 reserve. The Federation recommends a six-month reserve. The question is whether revenue will meet the expenses. There have been 228 new physicians licensed since July 1, and the Board is approaching the end of the first quarter of the biennium. At the end of December he will try to determine exactly where the Board is with respect to

revenues and a projection as to where the Board will be at the end of the first fiscal year and at the end of the biennium. He thinks that if the Board continues to watch its expenses, the Board should have a modest carry forward of a few hundred thousand dollars at the end of the biennium.

Discussion ensued concerning the costs of the online renewals program and a comparison of the Board's fees for physicians as compared to those of other states.

Dr. Baepler suggested two ways to minimize expenses would be to leave any vacated staff positions unfilled and to continue to allow staff training but limit it as much as possible.

Dr. Calvanese added that the reduction in peer reviews has also saved the Board a significant amount of money.

Agenda Item 8

### **EXECUTIVE STAFF REPORTS**

- Consideration of Request for Staff Attendance at Educational Meetings
- Consideration of Proposed 2008 Board Meeting Schedule
- Informational Items
  - Drennan A. Clark, J.D., Executive Director/Special Counsel

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

Mr. Clark requested authority for staff to attend the educational meetings outlined on the list provided to Board members as part of the agenda packet.

Ms. Stoess moved to approve the requests for training as outlined in the materials provided as part of the agenda packet. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

#### **- Consideration of Proposed 2008 Board Meeting Schedule**

Mr. Clark stated that Dr. Anjum had suggested future Board meetings begin on Friday afternoon, with the Board conducting business that afternoon, and personal appearances being held on Saturday, and in that way the Board members would not be out of their offices all day on Friday.

Discussion ensued. Dr. Anjum stated that since everyone seemed comfortable with the current schedule, it should remain the same.

Mr. Clark then read the proposed meeting schedule.

Dr. Lamerson said she was not available on March 7th, 8th, 14th or 15th. Dr. Rodriguez said he was not available on the 6th or 7th of June.

Discussion ensued concerning moving the March meeting to March 21st and 22nd and the June meeting to June 13th and 14th.

Mr. Clark then stated the 2008 meeting schedule would be as follows: March 21st and 22nd, June 13th and 14th, September 12th and 13th, and December 5th and 6th. Ms. Munson added that the proposed meeting dates for the License Application and Malpractice Review Committee would be adjusted accordingly. Mr. Cooper stated the proposed Investigative Committee meetings would remain as proposed.

Dr. Anwar asked whether the caseload of the Investigative Committees could be distributed more equitably, and Mr. Cooper stated it would.

#### **- Informational Items**

Mr. Clark advised that the contract with the Nevada Health Professionals Assistance Foundation had been approved by the State Board of Examiners on October 9th, and was currently in effect, and the in-office surgery reporting forms for 2007 would be sent out around the 15th of December.

#### Agenda Item 9

**LEGAL REPORTS** - Bonnie S. Brand, J.D., General Counsel  
Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General

- Board Litigation Status

#### **- Board Litigation Status**

Ms. Brand reported that there were 2 cases pending adjudication, 8 proposed settlements, 2 requests for dismissal and 1 administrative fine before the Board at the meeting. There were 17 cases currently scheduled for hearings through June 19th, and as of the recent Investigative Committee meetings, there are 23 cases pending the filing of formal complaints and 49 letters of concern to write. There are 4 cases on appeal. The Wick case is pending dismissal at the Supreme Court level. Briefing has been completed in the Fani-Salek case and it is pending oral argument. The Lakner case is pending setting for oral argument on his petition for judicial review in district court and James Murphy has filed a petition for judicial review of the Board's denial of his application for licensure.

#### Agenda Item 12

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. SIDNEY VAN ASSCHE, M.D., BME CASE NO. 07-19008-1**

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

#### **OPEN SESSION**

Dr. Van Assche's attorney, Maria Nutile, Esq., was present on behalf of Dr. Van Assche.

Ms. Brand described the terms of the settlement agreement. The Board would enter an order finding a violation of NRS 630.306(1), for inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance. Dr. Van Assche's license would be revoked, stayed with five years probation, he would receive a public reprimand, and he would reimburse the Board its costs within 120 days. Dr. Van Assche would also remain in compliance with the Diversion Program, under a five-year contract and be willing to extend the contract beyond that if the Diversion Program recommends it. He would obey all laws, including the Medical Practice Act,

cooperate with the Compliance Officer in this case and in any other investigation, submit to random drug or alcohol testing ordered by the IC, in addition to any testing by Diversion, and pay the costs of monitoring and compliance within 30 days of receiving an invoice.

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 13

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. DAVID LINDEN, M.D., BME CASE NO. 07-29780-1**

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

**OPEN SESSION**

Ms. Beggs said this was an out-of-state action, and described the terms of the settlement agreement. The Board would enter an order finding a violation of NRS 630.301(3), for a modification of his out-of-state license. Dr. Linden's license would be suspended for 120 days, said suspension stayed on the condition Dr. Linden be placed on probation for two years under terms and conditions that follow the conditions set forth by the Oklahoma Board. Dr. Linden would reimburse the costs of investigation and prosecution of the case.

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

Agenda Item 10

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. DOYLE STUART STEELE, M.D., BME CASE NO. 07-7061-1**

- Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General

**OPEN SESSION**

Ms. Guerci-Nyhus asked the adjudicating Board members whether they had reviewed the information provided relative to the adjudication, and all indicated they had. She then summarized the facts of the case. Dr. Steele had been convicted in the Federal Court in Virginia in March of conspiracy to possess and distribute controlled substances, and was presently incarcerated in a federal facility in California. That conviction was the basis for the complaint filed against him by the Investigative Committee. Dr. Steele had requested deferral of prosecution until after he was released from prison, and that was denied. He was given proper notice of the hearing and did not request a continuance. Ms. Brand stated he would have the right to appeal if he were to be found guilty.

Dr. McBride moved that the Board find Dr. Steele guilty of the counts in the complaint. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Ms. Guerci-Nyhus summarized the sanctions available to the Board based upon its finding of a violation.

Dr. McBride moved that the Board revoke Dr. Steele's license to practice medicine in Nevada. Dr. Baepler seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Agenda Item 11

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. GILLES DESMARAIS, M.D., BME CASE NO. 07-8196-1**

- Christine M. Guerri-Nyhus, J.D., Chief Deputy Attorney General

**OPEN SESSION**

Ms. Brand stated that Dr. Desmarais had requested to voluntarily surrender his license while under investigation, he had returned his license to the Board and had signed an affidavit swearing to the fact that he wanted to do so and that he understands it is reportable to the National Practitioner Data Bank.

Dr. Rodriguez moved that the Board accept Dr. Desmarais' surrender of his license. Ms. Stoess seconded the motion, and it passed unanimously, with all adjudicating members voting in favor of the motion.

Agenda Item 14

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. GREGORY BRYAN, M.D., BME CASE NO. 07-11533-1**

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

**OPEN SESSION**

Ms. Beggs stated that this case and the the case involving Michael Sullivan, P.A.-C were basically the same matter, involving the physician and the physician assistant, but she was introducing the settlements separately. She then described the terms of the settlement agreement with Dr. Bryan. There were four counts initially filed against Dr. Bryan and he had agreed to a finding that he violated two of the counts, in that he failed to administer a drug as authorized by law and that he failed to adequately supervise a physician assistant. He will be placed on probation for 12 months, he will not personally use or prescribe injected cosmetic substances for his patients, he will complete 6 hours of continuing medical education in addition to that required as a condition of licensure, pay a fine of \$1,000, and if he violates any terms of the probation, his license will be suspended for 30 days. Additionally, Dr. Bryan will pay two-thirds of the costs of investigation and prosecution of the case, while Mr. Sullivan will pay the other third of the costs.

Discussion ensued concerning the amount of the fine. Ms. Beggs clarified that this was a one-time occasion with family friends in a home, and was not an ongoing thing or something done in the office.

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

Agenda Item 15

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. MICHAEL SULLIVAN, P.A.-C, BME CASE NO. 07-294-1**

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

**OPEN SESSION**

Ms. Beggs stated that Mr. Sullivan is the physician assistant involved in the case just discussed involving Dr. Gregory Bryan. Three counts were originally filed against Mr. Sullivan and Mr. Sullivan had agreed to a finding that he violated one of the counts, in that he failed to administer a dangerous drug as prescribed by law. His license will be placed on probation for 12 months, he will not be injecting or prescribing injected cosmetic substances for himself or others during that time, he will complete 6 hours of continuing medical education in addition to that required as a condition of licensure, pay a fine of \$500, and if he violates any terms of the probation, his license will be suspended for 30 days. Additionally, Mr. Sullivan will pay one-third of the costs of investigation and prosecution of the case.

Dr. Anjum 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 16

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. THEODORE THORP, M.D., BME CASE NO. 05-4518-1**

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

**OPEN SESSION**

Mr. Cousineau described the facts of the case and described the terms of the settlement agreement. The Board will enter a finding that Dr. Thorp failed to maintain accurate records as they relate to lack of informed consent. Dr. Thorp will receive a public reprimand, will complete 12 hours of continuing medical education on the topic of medical record keeping/informed consent, and will reimburse the 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 17

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. THEODORE THORP, M.D., BME CASE NO. 05-4518-2**

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

**OPEN SESSION**

Mr. Cousineau described the facts of the case and described the terms of the settlement agreement. The Board will enter a finding that Dr. Thorp committed one count of malpractice, a violation of NRS 630.301(4). Dr. Thorp will receive a public reprimand and would attend an in-resident Internal Medicine Board Review Course of at least 40 hours, approved in advance by

the Board, and will reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case.

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

Agenda Item 18

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. GALEN REIMER, M.D., BME CASE NO. 06-6570-1**

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

**OPEN SESSION**

Mr. Cousineau stated that the peer reviewer made a finding of malpractice but when Mr. Cousineau met with the peer reviewer it was apparent his testimony was not going to be consistent with the representations he had made originally. Therefore, the case would be difficult to prove, and it did not warrant taking it to hearing. Mr. Cousineau then described the terms of the settlement agreement. Dr. Reimer will complete 16 hours of continuing medical education and will reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case.

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

Agenda Item 19

**CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. JOZSEF ZORITY, M.D., BME CASE NO. 07-11273-1**

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

**OPEN SESSION**

Mr. Cousineau described the facts of the case and described the terms of the settlement agreement. The Board will enter a finding that Dr. Zority failed to keep adequate medical records, a violation of NRS 630.3062. Dr. Zority will receive a public reprimand, pay a fine of \$5,000, complete 10 hours of continuing medical education on the topic of medical record keeping and reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case.

Discussion ensued concerning the facts of the case.

Dr. Rodriguez moved that the Board accept the settlement as presented. Dr. Lamerson seconded the motion, and it passed, with Dr. Held opposed to the motion and all other adjudicating Board members voting in favor of the motion.

Agenda Item 20

**RECOMMENDATION FOR DISMISSAL WITHOUT PREJUDICE IN THE MATTER OF  
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HOWARD COKER, M.D.,  
BME CASE NO. 06-11257-1**

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

**OPEN SESSION**

Ms. Beggs stated that for a variety of reasons, she was unable to proceed forward with the case at this time as she would not be able to prove her case, so she was recommending that with regard to the formal complaint, the matter be dismissed without prejudice.

Dr. McBride moved that the Board dismiss the case against Dr. Coker without prejudice. Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 21

**RECOMMENDATION FOR DISMISSAL WITH PREJUDICE IN THE MATTER OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. EDWARD ZIMMERMAN, M.D.,  
BME CASE NO. 05-11216-2**

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

**OPEN SESSION**

Ms. Brand stated this was a deferral of prosecution. There was a problem with proving the case and there was a deferral to obtain some remediation by Dr. Zimmerman. Dr. Zimmerman had agreed to complete 8 live hours of continuing medical education, and ended up taking 19. He reimbursed the Board's costs and has developed a revised consent form. The original consent form had been the basis of the case. Since he was in full compliance, she was recommending dismissal of the case with prejudice.

Dr. Rodriguez moved that the Board dismiss the case against Dr. Zimmerman with prejudice. Dr. McBride seconded the motion.

Discussion ensued concerning the requirements for adequate consent forms.

A vote was taken on the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 22

**RECOMMENDATION FOR IMPOSITION OF ADMINISTRATIVE FINE IN THE MATTER OF  
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHARITA POPE, M.D.,  
LICENSE NO. 6649**

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

**OPEN SESSION**

Ms. Beggs explained that this was brought before the Board pursuant to NRS 630.254, concerning the need of a licensee to notify the Board of a change of address within 30 days. This statute was recently amended by the Legislature to include not only notification in writing, but also raised the potential fine that the Board can impose on a licensee for failing to do this. These have not been brought before the Board in the past because administratively it takes

a fair amount of time to do them and it was not previously mandated. They are not disciplinary matters, they are simply the imposition of a fine. Because Dr. Pope failed to meet the requirements in NRS 630.254(2), she is requesting the Board impose the administrative fine. The fine in this case will be \$100, because this occurred prior to the increase in the fine that can be imposed. Ms. Beggs would be discussing with Mr. Cooper the most efficient way to bring these before the Board, probably in groups, but because there is now a legislative mandate, they are required to bring them before the Board.

Ms. Guerci-Nyhus stated she would assist Board staff in recovering the costs involved.

Dr. Rodriguez moved that the Board impose the \$100 fine upon Dr. Pope. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 23

**LICENSURE RATIFICATION**

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status  
Approved Since the September 14, 2007 Board Meeting

Ms. Daniels stated that to date, 80 practitioners of respiratory care have renewed online and so far there have been no problems. To follow-up on what Dr. Baepler said earlier, since July 1st, the Board had licensed 228 unrestricted MDs, 2 restricted MDs, 89 limited licenses for residents, 13 special purpose MDs, 30 physician assistants and 59 practitioners of respiratory care.

Ms. Stoess moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the September 14, 2007 Board meeting. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**RECESS**

Dr. Anwar recessed the meeting for lunch at 12:15 p.m.

**RECONVENE**

Dr. Anwar reconvened the meeting at 2:00 p.m.

Agenda Item 24

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

**24(b) Clive Segil, M.D.**

Clive Segil, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Segil whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

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

Upon returning to Open Session, Dr. McBride moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Segil. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion

**24(c) Charles Xeller, M.D.**

Charles Xeller, M.D. appeared before the Board on his application for a status change.

Dr. Anwar asked Dr. Xeller whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez questioned Dr. Xeller concerning why he wanted to change his license status from inactive to active.

Dr. Xeller described his current practice and stated he wanted to activate his Nevada license because the company he works for is establishing offices in Las Vegas and Reno and he would be working in those offices three days a month to perform examinations and provide disability evaluations.

Dr. Rodriguez questioned Dr. Xeller concerning when he last performed surgery.

Dr. Xeller stated he last performed surgery in 2003 and one reason was that at around that time, he went to work for MES full time. Dr. Xeller then requested the Board go into closed session.

Dr. Held 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 grant Dr. Xeller's application for status change and change his licensure status to an unrestricted license with the condition that he not perform surgery in Nevada. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**25(a) Joseph DeCorso Jr., M.D.**

Joseph DeCorso Jr., M.D. did not appear before the Board.

Dr. Held explained that at a previous meeting, the Board granted Dr. DeCorso a license pending successful passage of a peer review. Dr. DeCorso did not pass the peer review, and has told the Board the peer reviewer quizzed him outside the area of his expertise, specifically critical care and trauma. Dr. Held said that Dr. DeCorso could possibly make a case that the peer reviewer was not his peer and that some of the questions were outside his field of expertise, so the Board might want to offer Dr. DeCorso another peer review with another peer reviewer.

Dr. Anwar stated there are two issues here. One is that Dr. DeCorso needs another peer review and the other is that the Board needs to be mindful of who is administering peer reviews.

Discussion ensued concerning Dr. DeCorso's peer review and the options available to the Board in this case.

Dr. McBride moved that the Board offer Dr. DeCorso one more peer review by another internist, to be completed before the next Board meeting, and if he fails the second peer review, he will not be granted a license. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(e) Roy Jones, M.D.**

Roy Jones, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Jones whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez asked Dr. Jones about his current practice and Dr. Jones explained that he had been performing hair transplant surgeries for the last ten years. He described his training in that area.

Dr. Rodriguez questioned Dr. Jones concerning his affirmative response to Question 12 on his application for licensure.

Dr. Jones described the circumstances surrounding the claims of malpractice against him.

Dr. Anwar questioned Dr. Jones concerning the delay in reporting the 1995 malpractice case to the Board. Dr. Jones stated he wasn't trying to hide anything. Discussion ensued concerning the timing of his reporting of the malpractice claim.

Dr. Rodriguez moved that the Board grant Dr. Jones' application for licensure. Dr. McBride seconded the motion, and it passed, with Ms. Stoess opposed to the motion and the Chair voting in favor of the motion.

**24(f) Lola Loeb, M.D.**

Lola Loeb, M.D. appeared before the Board on her application for licensure.

Dr. Anwar asked Dr. Loeb whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Ms. West questioned Dr. Loeb concerning her response to Question 11 on her application for licensure.

Dr. Loeb explained the circumstances surrounding her default in fulfilling her obligations in repayment of the medical education loan she received the National Health Service.

Dr. Held questioned Dr. Loeb concerning being placed on probation during her residencies at Marshall University and the University of Minnesota.

Dr. Loeb explained the circumstances surrounding those probationary periods.

Dr. Rodriguez moved that the Board grant Dr. Loeb's application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(g) Excell dela Cruz, R.R.T.**

Excell dela Cruz, R.R.T. appeared before the Board on his application for licensure.

Dr. Anwar asked Mr. dela Cruz whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Held questioned Mr. dela Cruz concerning his responses to Questions 12, 20 and 24 on his application for licensure.

Mr. dela Cruz described his prior use of controlled substances, his arrest in 2005, and his contract with the Nevada Diversion Program.

Dr. Held moved that the Board grant Mr. dela Cruz's application for licensure contingent upon his satisfactory completion of his contract with the Diversion Program. Ms. Stoess seconded the motion, and it passed, with Dr. Lamerson opposed to the motion and the Chair voting in favor of the motion.

**24(h) Mary Elizabeth (Sethyne) White, C.R.T.**

Mary Elizabeth (Sethyne) White, C.R.T. appeared before the Board on her application for reinstatement of her license to practice respiratory care. Melody Graves from Sierra County Human Services appeared with Ms. White in support of her application.

Dr. Anwar asked Ms. White whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did not.

Dr. Baepler questioned Ms. White concerning her affirmative response to Question 5 on her application for licensure.

Ms. White stated she had been drug and alcohol free for one year. She described her area of expertise in respiratory therapy and explained what she planned to do if granted a Nevada license.

Dr. Baepler moved that the Board reinstate Ms. White's license contingent upon successful completion of her contract with the Diversion Program. Ms. Stoess seconded the motion, and it passed, with Dr. Lamerson opposed to the motion and the Chair voting in favor of the motion.

Dr. Baepler left the meeting at 4:00 p.m.

**24(i) Kraig Knoll, M.D.**

Kraig Knoll, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Knoll whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. McBride questioned Dr. Knoll concerning his affirmative response to Question 12 on his application for licensure.

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

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

**24(j) Glenn Ledesma, M.D.**

Glenn Ledesma, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Ledesma whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. McBride moved to go into Closed Session. Ms. Stoess 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 Dr. Ledesma. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Dr. Lamerson moved that the Board grant an unrestricted license to Dr. Ledesma, subject to successful passage of a peer review. Ms. Stoess seconded the motion, and it passed, with Dr. Anjum opposed to the motion and the Chair voting in favor of the motion.

**24(k) Ati Hakimi, M.D.**

Ati Hakimi, M.D. appeared before the Board on her application for licensure. Dr. Hakimi's attorney, Maria Nutile, Esq. appeared with her.

Dr. Anwar asked Dr. Hakimi whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did.

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

Upon returning to Open Session, Dr. McBride moved that the Board grant Dr. Hakimi's application for licensure. Ms. Stoess seconded the motion, and it passed, with Dr. Held opposed to the motion and the Chair voting in favor of the motion.

Upon returning to Open Session, Dr. McBride moved that the Board grant Dr. Hakimi's application for licensure. Ms. Stoess seconded the motion, and it passed, with Dr. Held opposed to the motion and the Chair voting in favor of the motion.

**RECESS**

Dr. Anwar recessed the meeting at 4:52 p.m.

**SATURDAY, DECEMBER 1, 2007**

***Board Members Present***

Javaid Anwar, M.D., President  
Sohail U. Anjum, M.D., Vice President  
Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer  
Charles N. Held, M.D.  
Jean Stoess, M.A.  
Cindy Lamerson, M.D.  
S. Daniel McBride, M.D.  
Benjamin J. Rodriguez, M.D.  
Renee West

***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  
Lyn E. Beggs, J.D., Deputy General Counsel  
Lynnette L. Daniels, Chief of Licensing  
Carolyn H. Castleman, Deputy Chief of Licensing  
Jerry C. Calvanese, M.D., Medical Reviewer

**RECONVENE**

Dr. Anwar reconvened the meeting at 8:35 a.m.

Ms. Brand took roll call of the Board members and announced all Board members were present.

Agenda Item 24 ***(CONTINUED)***

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

**24(I) Jonathan Sorelle, M.D.**

Jonathan Sorelle, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Sorelle whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Rodriguez questioned Dr. Sorelle concerning the research he conducted in Valhalla, New York.

Dr. Sorelle explained it was a temporary position for some extra money and he didn't generate any papers from it. He told the Board he had not yet passed his surgery boards and explained why it took him just over the seven-year time limit to pass all three steps of the USMLE.

Dr. McBride moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Sorelle because there is a shortage of well-qualified hand surgeons in Nevada. Dr. Held seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(m) Nicola Perone, M.D.**

Nicola Perone, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Perone whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. Stoess questioned Dr. Perone concerning his specialties.

Dr. Perone described his practice history. He told the Board he had not made any definite plans but he was interested in working in Clark County because he understands there is a shortage of OB/Gyn's in Clark County.

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

**24(n) Jay Vance, R.R.T.**

Jay Vance, R.R.T. appeared before the Board on his application for licensure.

Dr. Lamerson questioned Mr. Vance concerning the interruptions in his medical education.

Mr. Vance stated that in reality he was attending school the entire time. He attended and graduated from medical assistant school. He then went into a healthcare administration program, but put that on hold to attend the respiratory therapist program. After obtaining an associate's degree in respiratory therapy, he completed his healthcare administration courses, and then went back to school and obtained a bachelor's degree in respiratory therapy.

Dr. Lamerson questioned Mr. Vance concerning his affirmative response to Question 12 on his application for licensure.

Mr. Vance explained the circumstances surrounding his arrests in 1999, 2004 and 2007. He stated that he has never had any behavioral problems while at work.

Dr. Held moved that the Board grant Mr. Vance's application for licensure. Dr. Anjum seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(o) Kevin Ramsey, M.D.**

Kevin Ramsey, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Ramsey whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

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

Upon returning to Open Session, Dr. Rodriguez moved that the Board grant Dr. Ramsey's application for licensure. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(p) Anke Navek, M.D.**

Anke Navek, M.D. appeared before the Board on her application for licensure by endorsement.

Dr. Anwar asked Dr. Navek whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did.

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

Upon returning to Open Session, Dr. Anjum moved that the Board grant Dr. Navek's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(q) Audrey Manley, M.D.**

Audrey Manley, M.D. appeared before the Board on her application for licensure by endorsement.

Dr. Anwar asked Dr. Manley whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did.

Ms. Stoess 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 exercise its discretion to grant Dr. Manley licensure by endorsement. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(r) Kiarash Mirkia-L, M.D.**

Kiarash Mirkia-L, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Mirkia-L whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

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

Upon returning to Open Session, Dr. Anjum moved that the Board grant Dr. Mirkia-L's application for licensure. Dr. Baepler seconded the motion, and it passed, with Dr. Rodriguez opposed to the motion and the Chair voting in favor of the motion.

**24(s) Sharon Ruch, M.D.**

Sharon Ruch, M.D. appeared before the Board on her application for licensure by endorsement. Dr. Dees from Mt. Grant Hospital appeared with Dr. Ruch in support of her application.

Dr. Anwar asked Dr. Ruch whether she wanted her application to be considered in closed session, with the public being excluded, and she said she did not.

Dr. Held stated that Dr. Ruch was appearing before the Board because it took her longer than seven years to pass all three steps of the USMLE, which was due to several factors as explained by Dr. Ruch in her application. The Board has received a number of excellent letters in support of Dr. Ruch's application. He then questioned Dr. Ruch concerning her medical training.

Dr. Ruch described her medical education and training and explained that if granted a license in Nevada, she will be working in Hawthorne, Nevada.

Dr. Held moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Ruch because she will be working in an underserved area of Nevada. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(t) Daniel Icenogle, M.D.**

Daniel Icenogle, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Icenogle whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. McBride questioned Dr. Icenogle concerning his affirmative responses to Questions 12 and 31 on his application for licensure.

Dr. Icenogle described the circumstances surrounding the single case of malpractice against him and the disciplinary action taken on his license by the Wisconsin Medical Examination Board.

Dr. McBride questioned Dr. Icenogle concerning his demeanor in dealing with the Nevada Board's licensing staff.

Dr. Icenogle explained that he shouldn't have acted as he did, but he did so because he was frustrated with the process. He said he has not had any issues with anger management or with any other bureaucracies.

Dr. McBride asked Dr. Icenogle what he planned to do if granted a Nevada license.

Dr. Icenogle stated he is a medical director for an insurance company headquartered in Wisconsin and does business in Nevada, and he needs a Nevada license to do utilization review for Nevada cases. He does not plan to practice medicine in Nevada.

Dr. McBride suggested that Dr. Icenogle write a letter of apology to the staff members.

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

**24(u) Henry McNeely Jr., M.D.**

Henry McNeely Jr., M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. McNeely whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did not.

Ms. Stoess questioned Dr. McNeely concerning the fact that he has not passed a major examination within the last ten years.

Dr. McNeely stated that currently there is no requirement for him to recertify in pathology.

Ms. Stoess questioned Dr. McNeely concerning his voluntary withdrawal from his pathology residency.

Dr. McNeely explained the circumstances surrounding his withdrawal from the program and stated he does not plan to move to Nevada; the reason he wants to become licensed in Nevada is to provide coverage or consultation on a part-time basis at a facility in Nevada.

Ms. Stoess moved that the Board exercise its discretion to grant licensure by endorsement to Dr. McNeely. Dr. Baepler seconded the motion.

Discussion ensued concerning the whether a peer review would be appropriate in this case.

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

**24(v) Christopher Marcuzzo, M.D.**

Christopher Marcuzzo, M.D. appeared before the Board on his application for licensure. Dr. Marcuzzo's attorney, Dan Curriden, Esq. appeared with him.

Dr. Anwar asked Dr. Marcuzzo whether he wanted his application to be considered in closed session, with the public being excluded, and Mr. Curriden said that he did.

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

Upon returning to Open Session, Dr. Held stated the Board had three options: one was to grant Dr. Marcuzzo a license, two was to deny him a license, which would be reportable to the National Practitioner Data Bank, and three was for Dr. Marcuzzo to withdraw his application. Dr. McBride stated that Dr. Marcuzzo would be allowed to reapply at some time if the Board denied his application or if Dr. Marcuzzo withdrew his application. Dr. Rodriguez added that if Dr. Marcuzzo withdrew his application it would not be reportable to the National Practitioner Data Bank.

Dr. Marcuzzo and Mr. Curriden left the room to confer. When they returned, Mr. Curriden stated that Dr. Marcuzzo was withdrawing his application.

**24(x) Steven McNutt, M.D.**

Steven McNutt, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. McNutt whether he wanted his application to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Anjum 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 grant Dr. McNutt's application for licensure. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

**24(y) Lawrence Bogle III, M.D.**

Lawrence Bogle III, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Bogle whether he wanted his application to be considered in closed session, with the public being excluded, and he said he did not.

Dr. Baepler stated that Dr. Bogle was appearing before the Board because he had not passed a major examination within the last 10 years and the reason was because he was "grandfathered" in his specialty and was not required to take a recertification exam. Dr. Bogle's record is excellent and he has had a successful career.

Dr. Bogle described what he planned to do if licensed in Nevada.

Dr. Baepler moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Bogle. Ms. Stoess seconded the motion.

Dr. Rodriguez asked what unique qualifications Dr. Bogle possesses that qualifies him for licensure by endorsement. Discussion ensued concerning whether a peer review would be appropriate in this case. Discussion ensued concerning licensure by endorsement.

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

**24(z) Robert Biener, M.D.**

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

Dr. Anwar asked Dr. Biener whether he wanted his application to be considered in closed session, with the public being excluded, and he said he did not.

Dr. Lamerson asked Dr. Biener about his current practice.

Dr. Biener described his current practice and explained what he planned to do in Nevada if granted a license.

Dr. Lamerson questioned Dr. Biener concerning his medical training.

Dr. Biener described his medical training and explained why he repeated his residency in the United States after completing residency training in Israel. He stated he is currently working as a volunteer faculty member at a University in New Jersey.

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

Agenda Item 25

**MATTERS FOR FUTURE AGENDA**

Mr. Clark stated the following matters will be on the Agenda for the March 2008 meeting: consideration of approval of any regulatory amendments the Board authorizes staff to proceed with at this meeting; suggestions from board members concerning changes to current statutes and regulations in order to develop a proposed legislative agenda for the Board members to review; and staff will report on ways to simplify and speed up the application process.

Agenda Item 26

**PUBLIC COMMENT**

No members of the public were present to comment.

**ADJOURNMENT**

Dr. McBride moved to adjourn the meeting. Dr. Held seconded the motion, and it passed. Dr. Anwar adjourned the meeting at 12:45 p.m.