



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, JUNE 8, 2007 – 8:30 a.m.

and

SATURDAY, JUNE 9, 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 (in Las Vegas)
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
Edward O. Cousineau, J.D., Deputy General Counsel
Lyn E. Beggs, J.D., Deputy General Counsel
Lynnette L. Daniels, Chief of Licensing
Jerry C. Calvanese, M.D., Medical Reviewer
Terri L. Ward, Investigator

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 (in Las Vegas)
Janet Wheble, P.A.-C, Physician Assistant Advisory Committee Member (in Las Vegas)
Peggy Alby, R.R.T., Practitioner of Respiratory Care Committee Member (in Las Vegas)

FRIDAY, JUNE 8, 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

- March 16, 2007 Board Meeting – Open/Closed Sessions

Mrs. Kirch moved to approve the Minutes of the March 16, 2007 Board Meeting - Open/Closed Sessions. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 3

PERSONNEL

Closed Session

- Annual Review and Discussion of Professional Competency of Staff
 - Sohail U. Anjum, M.D., Vice-President and Chairman of the Internal Affairs Committee;
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

Open Session

- Set Staff Compensation
 - Sohail U. Anjum, M.D., Vice-President and Chairman of the Internal Affairs Committee;
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

- Annual Review and Discussion of Professional Competency of Staff

- Set Staff Compensation

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

Upon returning to Open Session, Dr. Anjum stated there was nothing to report on this agenda item at this time.

Dr. Anwar stated the matter would be continued to the September meeting.

Agenda Item 4

CONSIDERATION AND APPROVAL OF BIENNIAL BUDGET FOR FISCAL YEARS 2008 AND 2009

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

Dr. Baepler stated he had reviewed the final budget as prepared by Mr. Clark and the Board's Finance and Accounting Manager Deborah Swartz. Since the Board had a shortfall in income this year, he thought the projections should be more conservative. The Board can control its expenditures but cannot control its income, and income is always a best guess, and is an easier guess for the first year than the second. The only difference from the tentative budget

brought to the Board in March concerned the Diversion Program. He recommended the Board adopt the budget with certain caveats, which include the following. It is estimated the Board will have an \$80,000 reserve at the end of the current fiscal year, which is a very small reserve. When the Board completes the current fiscal year, the Board will know the actual reserve amount. There are certificates of deposit that are maturing and those will be used to replace the licensing fees the Board used to cover expenses in the current fiscal year. He is estimating the Board will receive \$200,000 to \$250,000 in renewal fees and if you add that to the reserve in the second year, the Board will have a higher reserve, but those figures are fuzzy. The Board should be better off after the second year. He is recommending a freeze on certain expenditures, such as equipment, computers, and the like, for the first three months, until the Board's financial situation improves, and a freeze on filling any staff position that becomes open due to attrition for the first year, and possibly the second, if necessary. Consideration of salary increases has been continued until the September meeting, at which time the Board will have a clearer picture of its budget for the biennium. He thinks that in all probability, the Board can meet the requests submitted by Mr. Clark, and should be able to make those increases retroactive to July 1.

Dr. Baepler moved that the Board accept and approve the biennial budget projections with the additional provisions he had added, particularly with respect to the first few months. Ms. Kirch seconded the motion. No vote was taken at the time, as Dr. Baepler stated he wanted to give his Secretary-Treasurer Report under Agenda Item 14 in conjunction with this item.

Agenda Item 14

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
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.R.T., Advisory 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 - Terri L. Ward, Compliance Officer/Investigator
 - Status of Investigative Caseload
 - Last Quarter Compliance Statistics
- 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
- Federation of State Medical Boards of the United States, Inc.'s 2007 Annual Meeting, May 3-5, 2007, San Francisco, CA - Javaid Anwar, M.D., President; Sohail U. Anjum, M.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; Jean Stoess, M.A., Board Member; Cindy Lamerson, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Benjamin J. Rodriguez, M.D., Board Member
- Board Retreat
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- Secretary-Treasurer
- Status of Finances

Dr. Baepler stated that much of what he had already presented with respect to the budget also covered this report, and he could wrap up this report by saying it appears the Board missed its projected income by \$200,000 or more, so although its expenses were under control for the most part, they exceeded the income somewhat, which is why the Board had to dig into its reserves. Otherwise, there were no surprises in the figures for the fiscal year that was about to conclude.

Mrs. Kirch renewed her second to the motion made by Dr. Baepler to accept and approve the the biennial budget projections with the provisions he had added.

Dr. McBride asked Dr. Baepler about the difference between the amount paid to the Diversion Program in the prior biennium versus the amount proposed for the next biennium. Dr. Baepler explained that the current biennium amount was incorrect, and should have been the same as what is projected for the upcoming biennium, and recommended that the Board approve the amount of \$75,000 per year for the next biennium.

Dr. McBride stated the program does great work for the Board and that he would like to discuss at the September meeting ideas to assist the program in obtaining additional funding and possibly some support from the state. Dr. Baepler stated that in some states, the medical boards support their diversion programs, in other states the medical societies support them, and in others the Medical Board and medical societies split the support, so there are several ways to go. He said the physicians in the program should possibly contribute more as well. Dr. McBride suggested the Division of Insurance could levy a small surcharge to malpractice insurers that could go towards support of the Diversion Program.

A vote was taken on the motion to approve the biennial budget projections with the provisions Dr. Baepler had added, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF REQUEST OF MELVIN MAYER, M.D., FOR APPROVAL OF LIVE PATIENT HAIR RESTORATION SURGICAL PROCEDURE WITH THE ASSISTANCE OF TWO TO FOUR OUT-OF-STATE PHYSICIANS, TO BE HELD AT THE OFFICE OF MELVIN MAYER, M.D., AND BROADCAST LIVE TO THE VENETIAN HOTEL IN LAS VEGAS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated this was basically a teaching program. Under NRS 630.261, the physicians must be licensed in another state in order to be granted a temporary license for this type of program, so she thinks the only applications the Board can approve are those for Dr. Parsley and Dr. Rose, as the other three are international physicians, and there is no way to verify licensure in another country.

Mr. Clark added that the program would be broadcast from the site to the hotel where they will be holding a conference so that other physicians can watch the procedures.

Dr. Rodriguez stated it was a legitimate teaching experience and he had no problem with the format, but there was a question as to whether the statute would exclude the international physicians, who were well-qualified.

Ms. Brand stated the interpretation of what constitutes a "state" is not clear and the matter needed to be researched. She asked that the matter be tabled until later in the meeting to allow her to conduct that research.

Dr. Lamerson stated the international physicians could act as surgical assistants under the other physicians and if something were to go wrong, the licensed physicians would be held responsible.

Ms. Daniels advised the Board that Dr. Mayer had agreed to take all responsibility.

Agenda Item 10

CONSIDERATION OF REQUEST OF S. RANDOLPH WALDMAN, M.D., FOR APPROVAL FOR HIM AND OTHER OUT-OF-STATE PHYSICIANS, UNDER THE DIRECT SUPERVISION OF JULIO GARCIA, M.D. (NEVADA LICENSEE), TO INJECT BOTOX, RESTYLANE AND RADIESSE, AS PART OF A THREE-PART SEMINAR IN THE ADVANCED TECHNIQUES IN INJECTABLES AND FILLERS, JUNE 13-17, 2007, AT THE BELLAGIO HOTEL IN LAS VEGAS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated this program was a continuation of a program the Board approved last year, and that all physicians were in good standing in the states in which they practiced. Dr. Garcia had agreed to take full responsibility for the actions of the physicians taking part in the program.

Ms. Stoess moved to approve the request. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 11

REPORT ON FIRST YEAR OF BOARD-SPONSORED TWO-HOUR COURSE ON MEDICAL ETHICS

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

Dr. Calvanese stated the first year of the Board-sponsored course was very successful. In addition to the in-state programs at hospitals, he presented a program at the FSMB annual meeting in San Francisco. Nevada is one of only a few states that is offering this type of program and being proactive in assisting physicians in avoiding trouble. Dr. Calvanese said the program had helped to establish better dialogue between the physicians and the Board, and through the program he had also interacted with the Clark County Medical Society, the Washoe County Medical Society, numerous hospital staff, etc. He presented a total of 11 lectures the first year, in Carson City, Reno, Las Vegas and Elko. The program had become ever-expanding. It began with a low number of attendees and finished with the last two having attendance of around 100 each. His goal was to address one out of ten physicians and he met that. His goal for the next two years is to reach an additional ten percent of physicians, and he also envisions a town-hall format as an offshoot of the program, which would include presentations by Board staff. The total costs for all presentations the first year was \$2,700.

Dr. Lamerson asked whether the Board could charge the physicians a small fee for the continuing medical education credits and give those fees to the Diversion Program to assist them. Dr. Calvanese said the program is something the Board is doing as an outreach to physicians and he was concerned that charging for it might reduce attendance.

Dr. Anwar said it was a worthwhile program in providing ethics as well as explaining to physicians what the Board is and what it does, and thanked Dr. Calvanese for his efforts.

Agenda Item 5

COMMITTEE REPORT ON BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM

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

Mr. Clark stated that due to the budget shortfall, the Board had decided not to continue the contract with Nevada Broadcasters Association, which was costing the Board upwards of \$100,000 a year. The advertising spots that had been running would continue to run until the end of the current contract.

Agenda Item 6

CONSIDERATION OF RENEWAL OF ANNUAL CONTRACT WITH NEVADA BROADCASTERS ASSOCIATION FOR THE BOARD'S PUBLIC SERVICE ANNOUNCEMENT PROGRAM FOR OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008

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

Mr. Clark advised the Board that the current contract with Nevada Broadcasters Association expires at the end of September, and the Board is not going to renew it.

Agenda Item 7

CONSIDERATION AND APPROVAL OF CONTRACT WITH NEVADA HEALTH PROFESSIONALS ASSISTANCE FOUNDATION FOR THE BOARD'S DIVERSION PROGRAM FOR AUGUST 1, 2007 THROUGH JUNE 30, 2009

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

Mr. Clark stated the new contract has to be approved by the state Board of Examiners because it is for more than \$10,000. The proposed amount of the contract is \$75,000 per year for two years.

Dr. McBride moved to approve the contract. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 12

ETHICS CME FOR PHYSICIAN MEMBERS OF THE BOARD FOR PARTICIPATION AS MEMBERS OF THE BOARD

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

Dr. Held stated he had put this item on the agenda because the contents of Dr. Calvanese's presentation to physicians is the meat of what the Board does on a quarterly basis, and therefore he thought it would be a reasonable request.

Mr. Clark added that the Board provides ethics CME credits to its licensees who perform peer reviews for the Board.

Dr. McBride stated he supported the idea as well.

Dr. Held moved that physician members of the Board receive two ethics CME credits per biennium. Dr. McBride seconded the motion.

Ms. Guerci-Nyhus questioned whether this would be in contravention of the statute governing compensation allowed to Board members for performing their duties, and asked that the matter be tabled until the September Board meeting to allow the attorneys to research the matter before the Board votes on it.

Dr. Anwar stated the matter would be tabled until the Board's September meeting.

Agenda Item 13

REPORT ON STATUS OF PROCESSING JULY 1, 2007 THROUGH JUNE 30, 2009
BIENNIAL LICENSURE REGISTRATION RENEWALS

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels reported the addition of online renewals had been a challenging process and a learning process for the staff. She stated that of the 6,700 who needed to renew, so far 4,174 had renewed online and 310 had renewed on paper, so the online renewals system had been an overwhelming success. She stated the Board had received a few requests for a refund of the \$50 paper processing fee, and asked the Board whether it would allow staff to refund the fee in special circumstances.

Dr. Held moved to allow staff to refund the \$50 fee if a licensee encountered a systems problem which prevented him or her from renewing through the online system. Ms. Stoess seconded the motion.

Mrs. Kirch moved to accept the report. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

A vote was taken on Dr. Held's motion to allow refund of the \$50 fee, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

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

- Glen D. Lybbert, M.D.

Dr. Lybbert explained that he had been told by his supervising physicians that he needed more time in the program and he had agreed to continue.

Dr. Baepler stated that the Board had asked Dr. Lybbert to provide a status report at the time it entered into the agreement with Dr. Lybbert, and that this was that report and no action by the Board was required at that time.

Dr. McBride asked whether Dr. Lybbert would be willing to return to the Board at its September meeting with an updated report.

Dr. Lybbert stated that he had only held hospital privileges for the last two-and-one-half months and he anticipated he would be up to date on his skills in two to three months.

Dr. Baepler left the meeting at 10:05 a.m.

Agenda Item 14 **(CONTINUED)**

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
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.R.T., Advisory 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 - Terri L. Ward, Compliance Officer/Investigator
 - Status of Investigative Caseload
 - Last Quarter Compliance Statistics
- 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
- Federation of State Medical Boards of the United States, Inc.'s 2007 Annual Meeting, May 3-5, 2007, San Francisco, CA - Javaid Anwar, M.D., President; Sohail U. Anjum, M.D., Vice President; Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer; Jean Stoess, M.A., Board Member; Cindy Lamerson, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Benjamin J. Rodriguez, M.D., Board Member
- Board Retreat
 - Drennan A. Clark, J.D., Executive Secretary/Special Counsel

- Diversion Program: Quarterly Report

Peter A. Mansky, M.D., Director of the Nevada Health Professionals Assistance Foundation, thanked the Board and staff for its support. He said the Foundation had received a commitment for support in the amount of \$9,999 from the Board of Osteopathic Medicine and another \$10,000 a year from a group of neurosurgeons. The Foundation had also approached one of the two largest hospitals in Las Vegas for support and would be approaching the other as well. He said he thought they could obtain the contributions they need from other sources so the program could grow and that they currently had a few months' reserve. He stated the statistics showed the Foundation was doing well in terms of monitoring and reported that they had been donated office space by Sunrise Hospital.

- Physician Assistant Advisory Committee

John Lanzillotta, P.A.-C, told the Board that with the resignation of Dan Hickey, the Committee would like the Board's direction as to how to replace him. In the past the Committee had made recommendations to the Board. There are a number of physician assistants who would be qualified, and with the Board's approval, the Committee would begin screening applicants. He said that Advisory Committee member Janet Wheble, P.A.-C had suggested that a member of the Board could review the applicants' qualifications if the Board wanted to do that, or the Committee could review them and make a recommendation to the Board as in the past.

Mrs. Kirch stated that the Committee has done a good job in the past and that she thought they were the ones who knew best as to who might be qualified to serve on the Committee.

Dr. Anwar said the Committee should continue to follow the established procedure.

- Practitioner of Respiratory Care Advisory Committee

Peggy Alby, R.R.T. stated the Practitioner of Respiratory Care Advisory Committee did not have anything to report to the Board at that 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. Held reported that Investigative Committee A had considered 124 cases, authorized the filing of a formal complaint in 4 cases, sent 1 case out for peer review, requested an appearance in 12 cases, issued 12 letters of concern, referred 4 cases back to investigative staff for further investigation or follow-up and recommended closure of 91 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 5 cases, issued 7 letters of concern, referred 6 cases back to investigative staff for further investigation or follow-up and recommended closure of 60 cases.

Dr. Anjum 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

Ms. Ward stated that of the 204 cases that were considered by the Investigative Committees, the Committees authorized filing complaints in 5 of them, 2 were sent out for a peer review, the Committee requested appearances in 17 cases, letters of concern were issued in 19 cases, 10 cases were sent back to investigative staff for additional follow-up and 151 cases were closed. With that, there were currently 665 open cases, which was an average of 95 cases per investigator. There were 152 outstanding civil court cases to be opened and assigned, 52 peer reviews out in the field, with 27 pending assignment to peer reviewers.

- Compliance Program Report

Ms. Ward reported that this quarter had begun with 14 open cases from the years 1978 through 2004, 5 of which had been closed. Additionally, there were 3 new cases from 2005,

none of which had been closed, 15 new cases from 2006, 4 of which had been closed, and 12 new cases in 2007, 6 of which had been closed. The total number of open cases was 52. To date in 2007, Investigative Committee A had issued 17 letters of concern and Investigative Committee B had issued 7. The beginning balance of collections for this quarter was \$121,972. This balance was adjusted up by the amount of \$56,441.97 due to an adjudication in March. The program had collected \$30,789.26 and \$24,894.86 was uncollectible due to statutory deadlines, leaving a current balance owed to the Board of \$122,729.85.

- Nevada State Medical Association Liaison Report

Dr. Lamerson stated she had nothing to report.

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, stated they were trying to make sure they kept their members up to date concerning any deadlines for submission to the Board and have made them aware of Dr. Calvanese's program. They also update their members weekly concerning health-related legislation. They had held their annual meeting and there were no policy issues that directly affect the Board.

- Clark County Medical Society Liaison Report

Dr. Rodriguez stated the Board of Trustees had voted to oppose the merger of Sierra Health Services with United Health Group.

Florence Jameson, M.D., President of the Clark County Medical Society, stated they were gathering their troops for opposition to the merger that Dr. Rodriguez spoke of. They were also hoping to increase their public involvement. The growing number of uninsured in the state is a problem and \$200,000 has been allotted by the Legislature to assist them in setting up a clinic in the coming year.

- Washoe County Medical Society Liaison Report

Dr. Lamerson stated she had nothing to report.

- Federation of State Medical Boards of the United States, Inc.'s 2007 Annual Meeting, May 3-5, 2007, San Francisco, CA

Dr. Lamerson said she thought the Annual Meeting was very educational and worthwhile.

Mr. Clark stated that the Board was well-represented by seven Board members and several staff members.

Dr. Anwar stated the meeting gives the Board an idea of what is going on nationwide concerning oversight, education and training, and there were some excellent speakers.

Dr. Lamerson said one national trend she sees is "Wal-Mart"-type clinics which are run by nurse practitioners with supervising physicians.

Dr. McBride stated that CVS has this type of clinic in Las Vegas and that these clinics could be beneficial to patients who need assistance but do not need to be seen by a physician; however, they need to be closely monitored, and any supervising physician who monitors these nurse practitioners should be looked at by the Board.

Dr. Lamerson stated that some supervising physicians are not readily accessible to the patient should there be a problem, but that nationwide there is high patient satisfaction. She suggested that the Board be proactive by including an article in the newsletter advising supervising physicians what they are responsible for with respect to their supervision over these clinics.

John Lanzillotta, P.A.-C said that he was familiar with an organization that has physician assistants working in clinics and they have made it clear to physician assistants up front that the physician must always be present or available by telephone while the physician assistant is providing medical services, and that the physician must be on site once a month to review and consult with the physician assistant. He said he could write something for the next newsletter to ensure licensees are aware of this.

Ms. Daniels added that the newsletter article should include a reminder that physicians need to notify the Board whom they are supervising at these clinics and the nurse practitioners should notify the Board as to who their supervising physicians are.

Dr. McBride said the Board might want to entertain a regulation requiring the physicians to notify the Board that they are working at these clinics and list every physician extender they are utilizing and where.

At this point in the meeting, the Board took a break. Upon returning from the break, Dr. Anwar stated that Douglas Cooper, Chief of Investigations for the Board, had received the Investigator of the Year award this year at the Administrators in Medicine (AIM) Annual Meeting in San Francisco and that Mr. Clark had been recognized by AIM for his contributions as a member of the Board of Directors.

Agenda Item 9 *(CONTINUED)*

CONSIDERATION OF REQUEST OF MELVIN MAYER, M.D., FOR APPROVAL OF LIVE PATIENT HAIR RESTORATION SURGICAL PROCEDURE WITH THE ASSISTANCE OF TWO TO FOUR OUT-OF-STATE PHYSICIANS, TO BE HELD AT THE OFFICE OF MELVIN MAYER, M.D., AND BROADCAST LIVE TO THE VENETIAN HOTEL IN LAS VEGAS

- Lynnette L. Daniels, Chief of Licensing

Ms. Brand stated that she had researched the matter and that Dr. Lamerson's suggestion was the best way to go.

Dr. Lamerson moved to approve the request, with the requirement that Dr. Leavitt and Dr. Mayer be the primary surgeons and take complete responsibility for the out-of-country physicians and accept all liability. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 14 **(CONTINUED)**

REPORTS

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

- Board Retreat

Mr. Clark stated the retreat had gone well and was beneficial to all Board members and helped clarify the issues before them. He had sent a list of the facilitator's notes to all Board members for review. Ms. Munson had prepared a "to-do" list from those notes for staff, and staff had begun acting on those. One that was already accomplished was creation of a cover sheet for license applications. Dr. Held, Ms. Stoess and Ms. Daniels created the form and Dr. Held and Ms. Stoess fine-tuned it the previous week.

Dr. Held said he hoped the cover sheet would solve the problem of applicants failing to report actions against them.

Dr. Lamerson moved to approve the cover sheet as revised. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 15

EXECUTIVE STAFF REPORTS

- Consideration of Approval of 2006 Board Annual Report
- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items
- Drennan A. Clark, J.D., Executive Director/Special Counsel

- Consideration of Approval of 2006 Board Annual Report

Mr. Clark requested approval of the Board's 2006 Annual Report.

Ms. Stoess moved to approve the Board's 2006 Annual Report. Dr. Rodriguez seconded the motion.

Dr. Lamerson stated that those applicants who withdrew their applications were not included in the "Medical Doctor Licensure Application Percentages" section of the report.

Ms. Brand stated they were not included because they can withdraw for many reasons, including the fact that they had moved away.

Dr. McBride asked whether staff knew how Nevada compares with other states with respect to physicians that have active licenses but are not in the state, and Ms. Daniels stated staff did not.

Dr. Lamerson asked how Nevada compares with other states with respect to in-state physicians per population, and Mr. Clark stated Nevada is very low.

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

- 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.

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

Agenda Item 16

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 at the current meeting there was 1 case pending adjudication and 5 cases pending settlement. Twenty-four letters of concern had been sent out in the last quarter. There were 25 cases scheduled for hearings and 8 cases pending the filing of formal complaints. There were 49 cases in the Legal Department requiring Investigative Committee summaries. The Wick case was pending settlement. The Fani-Salek case was pending appeal

to the Nevada Supreme Court and Dr. Fani-Salek has hired an attorney in Iran. The Lakner case was pending a petition for judicial review, staff was awaiting a decision in the Skogerson case, the Ezeanolue case will be set for oral argument, and there was a mediation taking place in the Giarrusso case that day.

Agenda Item 17

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. RACHAKONDA D. PRABHU, M.D., BME CASE NO. 05-5535-1

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

OPEN SESSION

Ms. Guerci-Nyhus named the adjudicating members, and the non-adjudicating members left the room.

Eric Stryker, Esq., was present in Las Vegas and stated he was Dr. Prabhu's attorney and was there to represent Dr. Prabhu.

Ms. Guerci-Nyhus asked whether Mr. Stryker would like the matter to be heard in closed session, with the public being excluded, and Mr. Stryker 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 find Rachakonda D. Prabhu, M.D. did not commit malpractice and dismiss 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 18

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. DEAN MONDELL, M.D., BME CASE NO. 06-7541-2

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

OPEN SESSION

Ms. Beggs stated that the case concerned Dr. Mondell's prescribing of pain relievers to a patient. Ms. Beggs then described the terms of the settlement agreement. Dr. Mondell would be found to have committed one count of Malpractice, pursuant to Count I of the complaint filed against him. He would be required to complete 6 hours of continuing medical education, approved by the Chairman of the Investigative Committee, in addition to any other continuing medical education required as a condition of licensure and at his own expense, within 1 year of the acceptance, adoption and approval of the settlement agreement by the Board. He would also reimburse the Board's costs of investigation and prosecution of the case against him within 90 days of the acceptance, adoption and approval of the settlement agreement by the Board. Count II of the complaint against Dr. Mondell would be dismissed.

Ms. Guerci-Nyhus named the adjudicating members.

Dr. McBride moved that the Board accept the settlement as presented. Mrs. Kirch 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. MICHAEL THIELMAN, M.D., BME CASE NO. 06-24230-1

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

OPEN SESSION

Ms. Beggs described the facts of the case and stated that originally there were three counts against Dr. Thielman, which had been reduced to one count in the Amended Complaint filed against Dr. Thielman, for a records violation. Ms. Beggs then described the terms of the settlement agreement. Dr. Thielman would be found to have violated NRS 630.3062(1), for failing to keep accurate and timely medical records showing that he obtained proper informed consent for the surgical procedure performed on the patient. He would be required to pay a fine of \$1,000, and would be required to complete six hours of continuing medical education on informed consent and charting, pre-approved by the Chairman of the Investigative Committee and in addition to any other continuing medical education required as a condition of licensure, within one year of the acceptance, adoption and approval of the settlement agreement by the Board. He would also reimburse the Board's costs of investigation and prosecution of the case against him, in the amount of \$1,529, within 90 days of the acceptance, adoption and approval of the settlement agreement by the Board. Count II of the complaint against Dr. Mondell would be dismissed.

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

Agenda Item 20

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. WAYNE DUNETZ, P.A.-C., BME CASE NO. 06-18554-1

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

OPEN SESSION

Ms. Brand stated that Mr. Dunetz had been charged with one count of inability to safely practice medicine due to the use of drugs, narcotics or any other substance, five counts of attempting to renew a license to practice medicine by misrepresentation or by false, misleading, inaccurate or incomplete statement, and one count of entering into a sexual relationship with a patient while treating her. Pursuant to the settlement agreement, Mr. Dunetz would be found guilty of all seven counts against him. His license would be revoked, with the revocation stayed pending compliance with, and completion of, the terms and conditions of probation, said probation period to be three years. As part of his probation, Mr. Dunetz would remain suspended from the practice of medicine as a physician assistant for at least one year from the date of the Board's acceptance, adoption and approval of the settlement agreement, and at the end of that year, he

would be required to provide proof that he is capable of safely practicing medicine as a physician assistant. Mr. Dunetz was also ordered to reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him within one year of the Board's acceptance, adoption and approval of the settlement agreement, and to pay the Board's costs of monitoring his compliance with the terms of his probation.

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. CURTIS BAZEMORE, M.D., BME CASE NO. 06-12017-1

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

OPEN SESSION

Mr. Cousineau described the facts of the case. The patient in this case died of multiple drug intoxication just over two months after Dr. Bazemore initially saw her and began treating her. The peer reviewer found that Dr. Bazemore committed malpractice, but thought the resolution was fair and equitable as there were several factors that were in Dr. Bazemore's favor. Mr. Cousineau then described the terms of the settlement agreement. The Board would enter a finding that Dr. Bazemore's pain management practices were inconsistent with the appropriate standard of care that should have been applied based upon the circumstances, and therefore tantamount to a violation of NRS 630.301(4). Dr. Bazemore would receive a public reprimand; and would be required to complete 16 hours of continuing medical education on the topic of prescribing of controlled substances for the management of pain, to be pre-approved by the Board, to be completed within 1 year of the Board's acceptance, adoption and approval of the settlement agreement, and to be in addition to any other continuing medical education required as a condition of licensure. Dr. Bazemore would also reimburse the Board's costs and expenses incurred in the investigation and prosecution of the case against him, payable within 60 days of the date of the Board's acceptance, adoption and approval of the settlement agreement.

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

Agenda Item 24

LICENSURE RATIFICATION

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status
Approved Since the March 16, 2007 Board Meeting

Mrs. Kirch moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the March 16, 2007 Board meeting. Dr. McBride seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 26

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters will be on the Agenda for the September 2007 meeting: consideration and approval of the 2006-2007 audit of the Board by Solari & Sturmer; discussion concerning whether the hotel used for the December 2006 Board meeting was acceptable to Board members and should be utilized again for the December 2007 meeting, or whether staff should explore other possible venues; setting staff compensation for the next year; and consideration and approval of regulatory changes and other changes discussed at the Board Retreat.

RECESS

Dr. Anwar recessed the meeting for lunch at 11:40 a.m.

RECONVENE

Dr. Anwar reconvened the meeting at 1:20 p.m.

Agenda Item 25

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

25(a) Saba Alim, M.D.

Saba Alim, M.D. appeared before the Board on her application for a limited license to attend residency training.

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

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

Upon returning to Open Session, Dr. Anjum moved that the Board grant Dr. Alim's application for a limited license to attend residency training. Dr. Rodriguez seconded the motion, and it passed, with Mrs. Kirch, Dr. Held and Dr. McBride opposed to the motion and the Chair voting in favor of the motion.

25(b) Thelinh Nguyen, M.D.

Thelinh Nguyen, M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Nguyen 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. Nguyen concerning his affirmative responses to Questions 31 and 33 on his application for licensure.

Dr. Nguyen explained the circumstances surrounding the disciplinary action taken against him by Mary Black Hospital.

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

25(c) Bishr Hijazi, M.D.

Bishr Hijazi, M.D. appeared before the Board on his application for licensure.

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

Dr. Lamerson questioned Dr. Hijazi concerning why it took so long and so many attempts to pass the USMLE, particularly Step 3.

Dr. Hijazi explained the circumstances surrounding the difficulty he had in passing the USMLE, stated he would be taking his written boards in August, and explained what he had been doing since June 2006 to remain current.

Dr. McBride moved that the Board grant Dr. Hijazi's application for licensure. Dr. Rodriguez seconded the motion, and it passed, with Mrs. Kirch and Dr. Lamerson opposed to the motion and the Chair voting in favor of the motion.

25(d) Shahid Siddiqui, M.D.

Shahid Siddiqui, M.D. appeared before the Board on his application for licensure by endorsement.

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

Mrs. Kirch asked Dr. Siddiqui what special circumstances he could cite that would qualify him for licensure by endorsement when he otherwise doesn't meet the requirements for licensure.

Dr. Siddiqui described what he had done during the long break between attending medical school and beginning his internship and told the Board he would be taking his internal medicine boards in August.

Mrs. Kirch stated Dr. Siddiqui was not eligible for licensure under NRS 630.080.

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

25(f) Howard Gelfand, M.D.

Howard Gelfand, M.D. appeared before the Board on his application for a change in licensure status from inactive to active.

Dr. Anwar asked Dr. Gelfand 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 Dr. Gelfand concerning his affirmative response to Question 11 on his application for license renewal and the fact that he had not practiced clinical medicine since June 2005.

Dr. Gelfand explained the circumstances surrounding the disciplinary action taken against him by the New York Department Office of Professional Medical Conduct and described what he had been doing for the past two years while not practicing medicine.

Dr. McBride questioned Dr. Gelfand concerning the malpractice claims against him. Dr. Gelfand explained the circumstances surrounding those.

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

Upon returning to Open Session, Dr. Lamerson moved that the Board grant Dr. Gelfand a restricted license for office gynecology upon his successful completion of a peer review. Dr. McBride seconded the motion. Dr. Lamerson amended her motion to add that Dr. Gelfand is not to perform any surgery. Dr. McBride seconded the amended motion. The motion passed, with Dr. Held and Ms. Stoess opposed to the motion and the Chair voting in favor of the motion.

25(g) Salvatore Barbaro III, M.D.

Salvatore Barbaro III, M.D. appeared before the Board on his application for licensure.

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

Dr. Anjum questioned Dr. Barbaro concerning his affirmative responses to Questions 12 and 13 on his application for licensure.

Dr. Barbaro explained the circumstances surrounding the single claim of malpractice against him, his arrest in 2005 for making a terroristic threat, and the mediation with Methodist Hospital in 2003 which resulted in his participation in a three-month period of proctoring.

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

25(h) Jose Aranez, Jr., M.D.

Jose Aranez, Jr., M.D. appeared before the Board on his application for licensure.

Dr. Anwar asked Dr. Aranez 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. Aranez concerning his affirmative response to Question 12 on his application for licensure.

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

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

25(i) Mark Brodsky, M.D.

Mark Brodsky, M.D. appeared before the Board on his application for licensure.

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

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

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

25(j) James Murphy, M.D.

James Murphy, M.D. appeared before the Board on his application for a limited license to attend residency training.

Dr. Anwar asked Dr. Murphy 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. Murphy concerning his negative response to Question 13 on his application for licensure.

Dr. Murphy stated the reason he had answered the question in the negative was because the case against him in 2005 had been dismissed and he had been told that the records of his 1997 arrest, and the subsequent proceedings, had been expunged and he did not see the word "expungement" on the application.

Dr. McBride stated that Dr. Murphy's response appeared to have been a willful misrepresentation of facts and willful misrepresentation is grounds for denial of a license, and advised Dr. Murphy that he needed to be aware that, as a physician, truthfulness is extremely important.

Dr. Murphy stated that his attorney had told him that it was as if the 1997 charge never occurred, and he did not consult with anyone concerning the 2005 charge.

Dr. McBride moved that the Board deny Dr. Murphy's application for a limited license to attend residency training, pursuant to NRS 630.304(1). Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(k) Tan Le, M.D.

Tan Le, M.D. appeared before the Board on his application for licensure by endorsement.

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

Mrs. Kirch questioned Dr. Le concerning his negative response to Question 12 on his application for licensure and the fact that it took him 10 attempts to pass all three steps of the USMLE.

Dr. Le stated he originally responded in the negative to Question 12 because he thought he had been dropped from the suit so he did not think he had to answer in the affirmative. But after he spoke with the lawyer on the case he called his License Specialist and told her he had initially answered incorrectly. He then explained why it took him so many attempts to pass the USMLE, and stated he would be taking his boards in July.

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

Agenda Item 27

ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS

Dr. Anwar announced that nominations were open for election of officers of the Board.

Dr. Anjum nominated Dr. Anwar for another term as President. As no other nominations were received, Dr. Anwar declared the nominations for President were closed. Dr. McBride nominated Dr. Anjum for another term as Vice President. As no other nominations were received, Dr. Anwar declared the nominations for Vice President were closed. Ms. Stoess nominated Dr. Baepler for another term as Secretary-Treasurer. As no other nominations were received, Dr. Anwar declared the nominations for Secretary-Treasurer were closed.

Dr. Anwar requested that those who were currently serving on the various committees of the Board continue to do so, and requested that Ms. Stoess replace Mrs. Kirch on Investigative Committee B when Mrs. Kirch retires from the Board at the end of June.

RECESS

Dr. Anjum moved to recess the meeting for the evening. Dr. McBride seconded the motion, and it passed. Dr. Anwar recessed the meeting at 5:15 p.m.

SATURDAY, JUNE 9, 2007

Board Members Present

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

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

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

Also Present

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

RECONVENE

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

Agenda Item 23

LEGISLATIVE UPDATE

- Keith L. Lee, Esq., Legislative Counsel

Mr. Lee advised the Board that three bills passed the Legislature that affect the Board. The Board's bill, AB 385, was introduced by Assemblyman Mabey, and included several items that further the Board's legislative agenda. The first were provisions allowing the Board to license eminent foreign physicians who would not otherwise qualify for licensure. The bill also dealt with use of lasers and IPL therapy. Under Title 54, chemotherapeutic agents, including botox, can only be administered by a licensed healthcare provider. They were able to work out issues with ophthalmologists concerning the use of lasers but have been getting a lot of push-back from health spas in the last few weeks. This issue will again be brought before the Legislature at its next session, and in the interim, he will continue to work the issue in the Interim Healthcare Committee to delineate what should be done only by licensed healthcare providers and what can be done at walk-in spas and other facilities. Additionally, the bill increased the penalty for licensees who fail to notify the Board of a change of address from

\$100 to \$250. The bill also expanded the scope of physicians who practice as volunteers and treat the indigent and those who are unable to afford health care. It extended the immunity provisions under the "Good Samaritan" statutes that currently apply to physicians in emergency situations to physician assistants and extended civil liability immunity to peer reviewers and those working for the Board's diversion program.

Dr. Calvanese asked about the "Sorry Works" apology bill, and Mr. Lee stated it passed the Senate but not the Assembly.

Dr. McBride suggested that it might carry more weight if the Legislature heard from the Board as opposed to an individual.

Mr. Lee stated that SB 412 was Senator Heck's bill. The bill contained provisions requiring the Governor to consult with medical societies and other organizations of licensed physicians to obtain a list of recommendations for appointments to the Board, but the Governor is not required to appoint from that list. The bill also included provisions concerning eminent physicians, and changes to the statutes governing licensure by endorsement, which now basically mandates that applicants meet all requirements under NRS 630.160. The Board was unsuccessful in obtaining relief from the statutory provisions requiring physicians to report in-office surgical procedures, but he will continue to work on this in the Interim Healthcare Committee. There were 86,000 procedures and only 20 sentinel events over a two-year period.

Mr. Lee stated the effective date for the bulk of items contained in SB412 and AB 385 is July 1, although there are different effective dates for some items.

Mr. Lee advised the Board that the third bill affecting the Board is SB 4. This bill consolidated a number of interim studies, healthcare mandates and statutory reviews concerning lasers, the scope of practice for healthcare providers and regulations regarding use of lasers and IPL as well as injections of cosmetic fillers.

The Clark County Medical Society received a \$200,000 grant to set up a program to assist with the indigent healthcare problem.

Agenda Item 25 ***(CONTINUED)***

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

25(I) Brett Winthrop, M.D.

Brett Winthrop, M.D. appeared before the Board on his application for licensure.

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

Richard Legarza, Esq. was present and stated he was there to represent Dr. Winthrop.

Dr. Held questioned Dr. Winthrop concerning his negative response to Question 13 on his application for licensure.

Dr. Winthrop explained that he responded in the negative to Question 13 because he was not convicted of the offense he was charged with. He apologized to the Board and said that three times in the past he had contacted an attorney when completing applications and was told that he could answer the question in the negative because he had not been convicted. He did not consult with an attorney while completing the Nevada application but assumed he could respond in the negative as he had in the past, not realizing the difference was that the other three applications asked whether he had been convicted and the Nevada application asked whether he had been charged.

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

Dr. McBride requested the Board go into a non-meeting recess to discuss general endorsement and USMLE requirements. Dr. Held moved that the Board go into a non-meeting recess. Mrs. Kirch seconded the motion, and it passed.

Agenda Item 25 ***(CONTINUED)***
**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

25(m) Virginia Sampang, M.D.

Virginia Sampang, M.D. appeared before the Board on her application for licensure by endorsement.

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

Dr. McBride stated that Dr. Sampang appeared to be well-qualified in her field and the reason she was before the Board was that she exceeded the number of years afforded by the statute to pass all three steps of the USMLE. He explained the circumstances under which the Board grants licensure by endorsement and then asked Dr. Sampang why it took her over eight years to pass the USMLE.

Dr. Sampang explained why it took her so long to pass all three steps of the USMLE, and told the Board that she is Board Certified in Family Medicine and plans to practice long-term care if granted a license in Nevada.

Dr. McBride moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Sampang. Ms. Stoess seconded the motion. Dr. McBride amended his motion to include that the Board was granting licensure by endorsement to Dr. Sampang due to the increased need for geriatricians in the state. Ms. Stoess seconded the amended motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(n) Wolfram Samlowski, M.D.

Wolfram Samlowski, M.D. appeared before the Board on his application for licensure by endorsement.

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

Dr. Anjum stated that although Dr. Samlowski was very qualified, he did not meet the statutory requirement of passing a major examination within the last ten years and explained the circumstances under which the Board grants licensure by endorsement. He asked Dr. Samlowski what he planned to do if granted a license in Nevada.

Dr. Samlowski described his current practice in Utah and what he would be doing at the Nevada Cancer Institute, if licensed in Nevada.

Dr. Anjum moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Samlowski due to the need for his specialty in Nevada and his eminent qualifications. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(o) Ali Khajawall, M.D.

Ali Khajawall, M.D. appeared before the Board on his application for licensure by endorsement.

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

Dr. Lamerson explained the circumstances under which the Board grants licensure by endorsement and asked Dr. Khajawall what he planned to do if granted a license in Nevada.

Dr. Khajawall explained that he wanted to go into solo practice or with a group, part-time, to assist veterans with Post-Traumatic Stress Syndrome.

Dr. Lamerson explained that Dr. Khajawall was there because he had not passed a major examination within the last ten years, which is a requirement for licensure, and because the Board has been unable to obtain transcripts from his medical school.

Dr. Rodriguez moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Khajawall. 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. Khajawall, 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.

25(p) Anil Patel, M.D.

Anil Patel, M.D. appeared before the Board on his application for licensure by endorsement.

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

Dr. Anwar explained the circumstances under which the Board grants licensure by endorsement and asked Dr. Patel what special circumstances he could cite that would qualify him for licensure by endorsement when he otherwise doesn't meet the requirements for licensure.

Dr. Patel told the Board he has written two medical books and has two in progress which will be published this year, and he wants to teach in a residency program at Nellis Air Force Base in Las Vegas when it opens in 2009.

Dr. Anwar questioned Dr. Patel concerning why it took him so long and so many attempts to pass the USLME, and Dr. Patel stated it was because he did not do well on exams.

Dr. Rodriguez moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. Patel.

Discussion ensued concerning the motion on the table.

Dr. Rodriguez withdrew his motion.

Dr. Lamerson moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Patel due to the need for physicians at Nellis Air Force Base in the specialty of family practice. Mrs. Kirch seconded the motion, and it passed, with Dr. Anjum opposed to the motion and the Chair voting in favor of the motion.

25(g) Robert O'Laughlin, M.D.

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

Dr. Anwar asked Dr. O'Laughlin 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 explained that Dr. O'Laughlin was there because he had not passed a major examination within the last ten years, which is a requirement for licensure.

Dr. O'Laughlin stated he planned to join the Nevada Cancer Institute if granted a license in Nevada.

Dr. Held moved that the Board decline to exercise its discretion to grant licensure by endorsement to Dr. O'Laughlin. Mrs. Kirch 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. O'Laughlin, 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.

25(r) Marcus Van, M.D.

Marcus Van, M.D. appeared before the Board on his application for licensure.

Maria Nutile, Esq. was present and stated she was there to represent Dr. Van.

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

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

Upon returning to Open Session, Dr. Held moved that the Board table Dr. Van's application until the September Board meeting pending receipt of the report from Dr. Van's independent evaluation. Dr. Lamerson seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(s) Daniel Ahearn, M.D.

Daniel Ahearn, M.D. appeared before the Board on his application for licensure by endorsement.

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

Ms. Stoess explained that Dr. Ahearn was there because he had not passed a major examination within the last ten years, which is a requirement for licensure, but that Dr. Ahearn planned to work in an underserved area if he was granted a license in Nevada.

Ms. Stoess moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Ahearn because he possesses special skills that he is bringing to Nevada and intends to serve in underserved areas. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

25(t) Jose Santiago, M.D.

Jose Santiago, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Anwar asked Dr. Santiago 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 explained that Dr. Santiago was there because he had not passed a major examination within the last ten years, which is a requirement for licensure.

Dr. Santiago stated he took the internal medicine recertification examination in August or October last year and passed it, but he still had some clinical work that he had to complete as part of the exam before he will be recertified.

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

Dr. Anjum moved that the Board grant an unrestricted license to Dr. Santiago, subject to his recertification in internal medicine. Dr. Rodriguez seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 28

PUBLIC COMMENT

Lebraska Hargrove addressed the Board concerning the fact that his complaints contained in a Victims of Crime case had not been addressed and because they were not addressed, he now had additional medical problems.

ADJOURNMENT

Mrs. Kirch moved to adjourn the meeting. Dr. Anjum seconded the motion, and it passed. Dr. Anwar adjourned the meeting at 12:05 p.m.