



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, MARCH 16, 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

Marlene J. Kirch

Charles N. Held, M.D.

Jean Stoess, M.A.

S. Daniel McBride, M.D.

Benjamin J. Rodriguez, M.D.

Board Members Absent

Cindy Lamerson, M.D.

Staff Present

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

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

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

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

Lynnette L. Daniels, Chief of Licensing

Douglas C. Cooper, Chief of Investigations

Donald A. Andreas, Investigator (in Las Vegas)

Also Present

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

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Javaid Anwar, M.D., President

The meeting was called to order by President Javaid Anwar, M.D., at 8:33 a.m.

Ms. Guerci-Nyhus took roll call, and all Board members were present with the exception of Dr. Lamerson. Ms. Guerci-Nyhus announced that there was a quorum.

Ms. Guerci-Nyhus described the procedures the Board should follow when discussing applicants during closed sessions in order to ensure compliance with the Open Meeting Law. There have been a lot of changes made to the Open Meeting Law. One change was an addition to NRS 241.033 that requires public bodies to allow the person being discussed to be present during a closed session to discuss their character, competence, etc., and they must be allowed to have an attorney or other representative with them and to present testimony or present witnesses. The individual must also be notified in advance that they will be discussed, and that they can have a representative present and can speak during the meeting. If the Board follows the Open Meeting Law, Board members have an absolute privilege under NRS 241.0353 for statements made about applicants' character or competence during a meeting. This means that an applicant cannot impose liability against them for defamation or use it as a ground for recovery in a civil action. With respect to adjudications, the Board can only go into a closed session to discuss the character and competence of an individual. The Board can recess the meeting and go into a non-meeting to receive confidential reports from staff or talk with its attorneys, under an exception to the Open Meeting Law which allows for attorney-client privileged meetings. The Board also has specific confidentiality provisions in its own statutes that allow it to receive confidential reports from staff in a non-meeting recess, but it can also receive confidential reports in an open or closed session. Discussion ensued concerning the procedures that the Board should follow in these instances.

Agenda Item 2

APPROVAL OF MINUTES

- December 1 & 2, 2006 Board Meeting – Open/Closed Sessions

Ms. Stoess moved to approve the Minutes of the December 1 & 2, 2006 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 3

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

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

Robert D. Fisher, President and CEO of the Nevada Broadcasters Association, was not present.

Mr. Clark stated that Mr. Fisher had been notified of the meeting and that the Board's Public Relations Committee had nothing to report. He said that because the Board currently has budget constraints and the contract with Nevada Broadcasters Association is a large contract, it will be proposed in the budget for the upcoming biennium that the contract not be renewed. The remainder of the funds still available under the current contract will be utilized to continue to play the radio and television spots that have already been prepared and are currently being played.

Agenda Item 4

**PRESENTATION OF TENTATIVE BIENNIAL BUDGET FOR FISCAL YEARS 2008 AND 2009
(TO BE CONSIDERED IN FINAL FORM AT JUNE BOARD MEETING)**

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

Dr. Baepler said that a couple of tentative budgets had been distributed to the Board members for review, and that neither one was totally satisfactory, as they did not leave enough surplus at the end of the year. The numbers would have to be re-examined and tweaked at the end of the year, after we see how the Board's re-registration is going, and a definitive budget will be presented to Board members at the June meeting. One of the problems is that the Board's financial difficulties were discovered with only six months left in the biennium, and it is difficult to make an adjustment that late in the biennium. The crunch always comes in the second year.

Agenda Item 11

REPORTS

- Diversion Program - Quarterly Report - Peter Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.R.T., Advisory Committee Member
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
 - Sohail U. Anjum, M.D., Chairperson, Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
 - Status of Investigative Caseload
 - Compliance Program Report
- Nevada State Medical Association Liaison Report - Cindy Lamerson, M.D., Board Member; Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Member; Weldon Havins, M.D., J.D., CEO and Special Counsel, Clark County Medical Society
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member; Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances

- Secretary-Treasurer
- Status of Finances

Dr. Baepler stated that in addition to the reasons for the Board's financial difficulties he presented at the December meeting, which were all related to increased workload and increased staff and committee demands, etc., the problem has been exacerbated by the current fiscal year. There is a shortfall of \$457,000 in revenue, which comes mostly from two areas – registration fees and application fees. He doesn't know whether the projections were too high or whether there has been a decrease in applications and registrations, but the increased workload and revenue shortfall of over half a million dollars has very much exacerbated the problem. This will change somewhat in the next few months and we need to figure out our projections for the next biennium. A refined budget will be presented to the Board in June. The Board is still in a budget crunch and is exercising fiscal restraint.

Agenda Item 7

CONSIDERATION OF REQUEST OF ALVARO GALINDO, M.D. AND ABRAHAM ROTHMAN, M.D., FOR AN INTERNATIONAL SYMPOSIUM HELD AT THE BELLAGIO IN LAS VEGAS TO DEMONSTRATE AND BROADCAST THREE LIVE PEDIATRIC CARDIAC CATHETERIZATIONS FROM SUNRISE HOSPITAL, WITH OUT-OF-STATE GUEST SURGEON ZIYAD HIJAZI, M.D.

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated this is a request from a physician in Las Vegas who wants to broadcast procedures performed on children there. She thinks it is a positive thing and doesn't see any problems with it.

Dr. Anjum stated Dr. Hijazi is a very eminent physician in his field and uses the very latest procedures and technology in these areas, and he would recommend it.

Dr. Anwar stated there were two things to consider here. One is the specific application before the Board and the other is that the Board should encourage eminent physicians to come to the state for these types of demonstrations because it is a positive thing in that it increases awareness, education and experience.

Mrs. Kirch moved that the Board approve the request. Ms. Stoess seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 8

BOARD RETREAT UPDATE

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

Mr. Clark stated the Board has a meeting room at the Hyatt where the FSMB will be holding its annual conference beginning the day following the retreat. He has been negotiating with a woman who has a lot of experience to act as the facilitator at the meeting. He asked that the Board members review the list of proposed items for discussion that he had distributed and advise whether they would like to add, change or remove any items.

Ms. Guerci-Nyhus stated even though the retreat was going to be held out of state, it would be a public meeting conducted in accordance with the Open Meeting Law, that there would be a telephone link to the Board's conference room in Nevada for those who would like to attend in Nevada, and that the public could also attend in San Francisco.

Agenda Item 9

REPORT CONCERNING REMEDIATION PROGRAMS FOR PHYSICIANS WHO NEED TO REFRESH THEIR SKILLS

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

Dr. Calvanese stated that he had reviewed the various remediation programs offered by the Center for Personalized Education for Physicians (CPEP). CPEP is based in Colorado and is similar to the PACE program in California. They claim to be specialty specific, meaning that a physician who needs to be evaluated is evaluated by a physician in his or her own specialty. Eighty percent of their business comes from medical boards and 20% from hospitals. Forty-six states have used their services. They have four good programs, and the Investigative Committees may want to utilize them by recommending that licensees attend them. He summarized the four programs offered -- patient care documentation, a professional based ethics program, clinical practice assessment, and a clinical re-entry program -- and suggested potential circumstances when the Board might recommend a licensee attend. Discussion ensued concerning tackling the issue of clinical assessment and clinical re-entry on a national level and utilization of these programs by the Board.

Agenda Item 10

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

- Lynnette L. Daniels, Chief of Licensing

Ms. Daniels stated that she, Ms. Castleman and Ms. Munson had been working on the online renewals project for the last year. The staff tested the system before launching it and has mailed out 500 renewal notices so far -- to the physician assistants and special purpose physicians. She stated it was wise to begin slowly because staff was able to work out a lot of bugs before sending notices to the remaining physicians. She anticipated that the remainder of the physicians would receive their renewal cards within the next week and a half. Staff has renewed 55 licensees in the last 7 days. She anticipated a good response, as the Board had advertised the system to its licensees and had imposed a \$50 paper-processing fee to encourage them to renew online.

Ms. Munson advised the Board that now that the online licensing system is up and running, staff had received a proposal for ongoing support of the system. She described the proposal and stated that the fee will be imposed only for those months that the Board is utilizing the system, either during renewals or when they are configuring the system.

Discussion ensued concerning the number of months the Board would use the system and require the support.

Dr. Anjum stated the Board should take the contract for the first year to ensure smooth operation of the system and can then determine how much it will be needed in the future.

Agenda Item 5

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, Authorizing Physician Assistants to Act Under the Supervision of Any Physician at the Scene of an Accident or a Natural or Manmade Disaster When Rendering Emergency Care
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Create Special Event License for Visiting Physicians Conducting Demonstrations
- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Prohibit Sexual Relations Between Doctor and Patient for One Year After Formal Termination of Doctor-Patient Relationship; or Two Years After Formal Termination if the Doctor is a Psychiatrist
 - 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, Authorizing Physician Assistants to Act Under the Supervision of Any Physician at the Scene of an Accident or a Natural or Manmade Disaster When Rendering Emergency Care**

Mr. Cousineau stated that at the December meeting, he requested contemplation and adoption of a proposed regulation regarding physician assistants rendering emergency care at the scene of an accident or at a natural or manmade disaster event. There was significant discussion, and ultimately the Board decided it should be sent back for modification of language. Based upon comments from Board members and the general public, he received a proposed regulation from John Lanzillotta, one of the members of the Physician Assistant Advisory Committee, whom he wanted to thank personally for his input. Mr. Clark and he reviewed the proposed regulation and made a few grammatical changes. Most of the concerns enunciated at the last Board meeting had been addressed. Public workshops and a hearing were held and the only input he received was from Lawrence Matheis at the Reno workshop, and he believed his thoughts were, in essence, that he agreed with the language and felt it was reasonable.

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, stated he concurred that the regulation was well-written.

Mr. Lanzillotta thanked Mr. Cousineau and Mr. Clark. He stated that most of the language was taken from the model language of the AAPA, and wanted to give credit to Ann Davis of the AAPA.

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

Mr. Cousineau stated that because the Legislature is currently in session, the Board can only enact a temporary regulation at this time, and he will have to bring this back before the Board after July 1st to adopt the regulation again in final form.

- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Create Special Event License for Visiting Physicians Conducting Demonstrations

Mr. Cousineau stated that the Board has had a rash of out-of-state physicians wanting to come to Nevada and perform various procedures. Nevada statutes do allow for irregular visits as long as the out-of-state physician practices along with a Nevada physician and meets other requirements. He is requesting authority to proceed with drafting a regulation that addresses these requests as well as those who want to come to Nevada on a regular basis, to ensure that the Board is on notice and that the practitioners meet all requirements and are subject to possible discipline and sanctions if the need arises.

Discussion ensued concerning the timeframes included in the proposed regulation.

Mr. Cousineau stated he would draft the proposed regulation and set the workshops and public hearing for this regulation and the other one which is being proposed at this meeting for sometime after July 1st, so that the Board will not have to go through the formalities of adopting a temporary regulation and then adopting a final regulation.

- Consideration of Amendment to Nevada Administrative Code Chapter 630, to Prohibit Sexual Relations Between Doctor and Patient for One Year After Formal Termination of Doctor-Patient Relationship; or Two Years After Formal Termination if the Doctor is a Psychiatrist

Mr. Cousineau stated this proposed regulation deals with prohibited professional conduct. Over the course of the last few years there have been a couple of instances where complaints have been made that practitioners have engaged in inappropriate conduct with patients. There are no specifics enunciated in the statutes concerning what is deemed acceptable and what is not. The intent of the regulation is to establish an appropriate attenuation between a treatment relationship and a subsequent sexual relationship, with the timeframe between the two being one year, or two years if the physician is a psychiatrist. He believes the differentiation between psychiatrists and other physicians was because the AMA guidelines for psychiatrists provides for two years.

Discussion ensued concerning the differentiation between the two timeframes and whether they should be the same.

Discussion ensued concerning whether it would be practical for the Board to proceed with a regulation establishing such guidelines.

Mr. Cousineau stated the intent was to establish some type of parameters so that practitioners would be put on notice as to the expectation in the state of Nevada. Other states have these guidelines, as do national associations.

Dr. Havins stated there is already a differentiation between M.D.s and D.O.s with respect to sexual conduct, and the proposed regulation would further differentiate between the two, making it permissible as a D.O. physician and not as an M.D. physician, so it might be more prudent to take this to the Legislature so it could be applied across the board.

Discussion ensued concerning potential problems with the proposed regulation.

Dr. Anwar stated it appeared the proposed regulation was not going anywhere.

Dr. Held moved to authorize Mr. Cousineau to proceed with the regulation to create a special event license. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 6

CONSIDERATION OF PROPOSAL BY ROBERT S. CHANCELLOR, M.D. TO SATISFY SUPERVISED PRACTICE REQUIREMENT

- Maria Nutile, Esq., Nutile Law & Associates

Maria Nutile, Esq., stated that at the September meeting, the Board agreed to certain revisions in the restrictions imposed upon Dr. Chancellor that would permit Dr. Chancellor to be supervised by an M.D. or a D.O. Dr. Chancellor is still having difficulty finding a supervising physician since he is restricted from performing surgery, even under supervision. Dr. Wong is here today to present a proposal.

Dr. Wong, Chief of the Division of Otolaryngology for the University of Nevada Medical School, stated his proposal was for Dr. Chancellor to work with him, and only him, and he would not impose upon his partners or the other medical school faculty. Since he has a contract with UMC to provide care to the uninsured and indigent population, to which he delivers services on a regular basis, Dr. Chancellor could be allowed to come to the clinic and see patients on a regular basis, and Dr. Wong would review his charts as needed, for a given period of time that the Board would set forth. Since they are also contracted to provide surgical care to these patients, Dr. Chancellor could assist him in performing surgeries and perform simple surgeries himself under Dr. Wong's supervision. His current schedule is holding clinic one day a month and performing surgeries one day a month.

Ms. Nutile stated that if the Board approved the proposal, UMC would still need to permit Dr. Chancellor to be credentialed on their staff.

Dr. McBride asked about insurance coverage, and Ms. Nutile said Dr. Chancellor could obtain his own malpractice insurance that would also cover surgery.

Dr. Wong stated Dr. Chancellor would not bill for his services.

Dr. Rodriguez stated he thought the proposal was a good one, but expressed concern with the inadequacy of the amount of clinical time that Dr. Chancellor would be receiving under this proposal.

Dr. Anjum stated it would be a good start, and that the Board should allow Dr. Chancellor to participate in the program, but also had concerns about the adequacy of the training due to the limited number of days he would participate in six months or a year.

Dr. McBride asked about the possibility of Dr. Chancellor also assisting with Dr. Wong's insured patients at UMC in order to expose him to a greater patient volume and allow him to complete his training more quickly and return to practice. Dr. Wong stated that was not part of his proposal.

Dr. Anwar said it appeared the Board would be comfortable in allowing the arrangement to go forward but the Board would need to make a determination at the end of that time whether they would feel comfortable allowing Dr. Chancellor to have an unlimited license.

Ms. Nutile stated they understood the Board's concerns, and would appreciate the Board approving this even as a stepping stone because perhaps at the end of this period Dr. Chancellor might find it easier to find another position because he won't have been out of practice as long.

Dr. Chancellor thanked the Board for revising the restriction to allow him to work with a D.O. so he could work with Dr. Manthei, but said it did not work out. He has met with Dr. Schroeder's office and may also be able to work with Dr. Schroeder in a similar capacity as with Dr. Wong.

Discussion ensued concerning the adequate timeframe for Dr. Chancellor's training with Dr. Wong.

Dr. Rodriguez moved to give Dr. Chancellor a restricted license to practice under Dr. Wong's direct supervision as described by Dr. Wong for six months, and provide a full report, and the Board will re-evaluate at that time.

Ms. Nutile asked that it not be so limited so that if, in addition to Dr. Wong, Dr. Chancellor is able to get into another licensed otolaryngologist's practice under supervision at the same time, he can do so.

Dr. Wong stated that if the Board would allow Dr. Chancellor to see patients without Dr. Wong's direct supervision, Dr. Wong could potentially ask for more time at the UMC clinic so that Dr. Chancellor could function more independently and Dr. Wong could review the charts.

Dr. McBride stated that would be acceptable. Dr. Wong should supervise Dr. Chancellor the same way that he would supervise any resident or fellow in a formal training program, but all surgery would be directly supervised.

Dr. Rodriguez moved to give Dr. Chancellor a restricted license to practice under Dr. Wong or another Nevada licensed physician in his specialty to be directly supervised during surgical procedures, and be supervised overall in his clinical practice, for a period of six months, that the Board receive a full report and re-evaluate in six months. Dr. McBride seconded the motion, and it passed, with Mrs. Kirch opposed to the motion and the Chair voting in favor of the motion.

Agenda Item 11 **(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
- Practitioner of Respiratory Care Advisory Committee - Steven E. Kessinger, C.R.T., Advisory Committee Member
 - Consideration of Request for Approval of Appointment of Replacement Committee Member
- Investigative Committees - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer, Chairperson, Investigative Committee A
Sohail U. Anjum, M.D., Chairperson, Investigative Committee B
 - Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
 - Status of Investigative Caseload
 - Compliance Program Report
- Nevada State Medical Association Liaison Report - Cindy Lamerson, M.D., Board Member;
Lawrence P. Matheis, Executive Director, Nevada State Medical Association
- Clark County Medical Society Liaison Report - Benjamin J. Rodriguez, M.D., Board Member;
Weldon Havins, M.D., J.D., CEO and Special Counsel, Clark County Medical Society
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member;
Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Donald H. Baepler, Ph.D., D.Sc., Secretary-Treasurer
 - Status of Finances

- Diversion Program: Quarterly Report

Peter A. Mansky, M.D., Director of the Nevada Health Professionals Assistance Foundation, thanked the Board for its generosity over the last three bienniums and said the Foundation will get support from hospitals, large groups and large boards, and hopes to step back on funding from the Board at the same rate as it has increased. Currently, about half of their financial support comes from their participants and half from the Board. One-third of their participants and two-thirds of their referrals come from the Board. Their program not only protects the physicians but also protects the public.

Dr. Baepler stated it is clear to him that the participants in the program need to pay more of their own costs. In most cases, the Board puts them into the program so they can maintain their full-time practices as long as they are compliant with the program, and they ought to be able to afford to pay a little bit more. He said there is a dualistic system when it comes to evaluation of doctors. The Board is increasingly sending doctors who have problems that are not addictive to psychiatrists and other venues for evaluation. If they are sent to the Diversion Program, they do not have to pay for an evaluation, but if they are sent elsewhere, they pay the full charge for an evaluation, so the Diversion Program should consider charging for their evaluations.

- Physician Assistant Advisory Committee

John Lanzillotta, P.A.-C, told the Board the Advisory Committee had no formal issue or request today. Their primary focus was on the regulation covering physician assistants when acting in emergency situations, and he thanked the Board for its support in clarifying various

issues concerning physician supervision. With respect to the issue of physician assistants signing certain legal forms and documents, the Board had recommended the physician assistants approach each specific commission and body concerning their respective forms. He made that recommendation to the Nevada Academy of Physician Assistants, and they are going to pursue it.

- Practitioner of Respiratory Care Advisory Committee

Ms. Munson stated she had received a communication from Steve Kessinger of the Practitioner of Respiratory Care Advisory Committee that they did not have anything new to report to the Board at this time.

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

- Consideration of Cases Recommended for Closure by the Committees

Dr. Baepler reported that Investigative Committee A considered 108 cases, authorized the filing of a formal complaint in 1 case, requested an appearance in 7 cases, issued 17 letters of concern and recommended closure of 78 cases.

Dr. Anjum reported that Investigative Committee B considered 84 cases, authorized the filing of a formal complaint in 5 cases, requested an appearance in 3 cases, issued 7 letters of concern, and recommended closure of 66 cases.

- Investigations Division

- Status of Investigative Caseload

Mr. Cooper stated that after closing the 168 cases recommended for closure by the Investigative Committees, there will be 457 open cases and 230 civil court cases that had not yet been opened and assigned. The Investigations Division will probably maintain an average of 500 cases over the next couple of quarters, which is a drop from the 600 average they had last year. With respect to peer reviews, there are presently 39 peer reviews currently out in the field and a backlog of 60 peer reviews that need to be assigned. They are reviewing possible ways to shorten the peer reviews to cut down on the number of billable hours the peer reviewers have.

Dr. Baepler stated a review of the peer review process is on the agenda for the Board retreat, as the Board needs to take a new approach to them.

Dr. Calvanese stated staff had been working on a format for peer reviews and had been evaluating each peer reviewer as peer reviews come in, and if they receive peer reviews once or twice from a peer reviewer that are ambiguous and don't address the issues, they are deleting them from the list.

- Compliance Program Report

Mr. Cooper reported that the compliance program closed 14 cases in this quarter. Total open compliance cases from the time the program began until now is 52. In 2006, Legal prepared 64 letters of concern that go into the compliance program. The beginning balance of collections for this quarter was \$181,000. The program collected \$12,011 and had to write off \$47,000 as uncollectible; most of which was from the Kenneth Mower case, as the debt was dismissed in bankruptcy.

**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 (CONTINUED)**

- Consideration of Cases Recommended for Closure by the Committees

Dr. Anjum 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.

- Nevada State Medical Association Liaison Report

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association, invited any members of the Board who were interested to attend their legislative core group that meets weekly to review bills that affect medicine. About one-quarter of the legislation that will be considered will affect the practice of medicine in one way or another. Their annual meeting is scheduled for April 27-29, at John Ascuaga's Nugget in Sparks and Board members are welcome to participate. With respect to legislation, on any issue the Board has taken a position on so far, the Association's position has been in agreement, and he expects that will be the case with the remaining issues that come up. He has been sending information to the NSMA membership concerning Dr. Calvanese's ethics program and making sure the membership is aware of things like filing the in-office surgery report, and linking them to the website as much as possible. There is one federal issue percolating, which is the implementation of a national provider identification number. The Board may want to look into whether this is information it may want to have in its database.

- Clark County Medical Society Liaison Report

Dr. Rodriguez stated he had nothing to report.

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, stated there was nothing critical going on with the Clark County Medical Society, but wanted to bring the Board up to date on one issue involving physician assistants. The D.O. Board bill, SB 21, is not going to pass out of committee. It contains provisions that would roughly equilibrate the licensing of physician assistants to that of the Medical Board. There is an attempt being made now to add those provisions to another bill, a general licensing bill of

Senator Carlton, which would provide for licensing of physician assistants under the D.O. Board. The D.O. Board has no lobbyist so it might be a consideration for the Medical Board to have Keith Lee advocate for those changes.

Discussion concerning a movement at a national level to make nurse practitioners independent and able to practice on their own.

- Washoe County Medical Society Liaison Report

Neither Dr. Lamerson nor Jeanie L. Catterson were in attendance at the meeting and no report was given.

Agenda Item 12

EXECUTIVE STAFF REPORTS

- Consideration and Approval of Revised Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual
- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

- Consideration and Approval of Revised Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual

Mr. Clark stated there were no major changes to the manual and that the revisions were mostly updates to the language and titles of the employees.

Ms. Munson stated the only significant addition to the manual was the newly-created job description for the public relations committee.

Mrs. Kirch moved to accept the revised Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Clark stated the list of training requests for staff was in the meeting materials. Other than travel, there was no cost for the attendees at the AIM conference and some of the attendees at the FSMB would be on scholarship.

Mr. Cooper stated the costs for Pamela Castagnola and Trent Hiatt to attend the Medical Investigators Certification Program would be \$750 each for registration, \$89 per night each for the hotel room and \$900 for both of them for flights, and described the program for the Board. He then described the CLEAR training and stated he would come back to the Board with costs for the CLEAR training after a break in the meeting.

Agenda Item 13

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 there were 8 cases pending adjudication, 3 cases pending settlement and 2 cases pending dismissal during the current meeting. There are 28 cases pending hearings through October and 7 cases pending the filing of formal complaints. There are 52 cases in the Legal Department requiring Investigative Committee summaries. There are several appellate cases. The Hakimi case was dismissed following oral argument and the Wick case is pending settlement in the Supreme Court. Staff is waiting to see if Dr. Fani-Salek will appeal to the Supreme Court and the Lakner case is on hold pending judicial review. Lyn is preparing her responding brief in the Skogerson case. Mr. Cousineau has submitted his responding brief in the Ezeanolue case and is awaiting the reply brief. The Giarrusso case is ongoing. Depositions are taking place and the trial date is going to be moved to sometime in September.

Ms. Guerci-Nyhus stated she had nothing additional to report.

Agenda Item 14

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. ARTHUR HERPOLSHEIMER, M.D., BME CASE NO. 05-18226-1

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

OPEN SESSION

Ms. Guerci-Nyhus named the adjudicating members and summarized the facts of the case.

Mr. Clark stated Dr. Herpolsheimer was not present.

Dr. Baepler moved to go into a non-meeting recess. Ms. Stoess seconded the motion, and it passed.

Upon returning to Open Session, discussion ensued concerning the adjudication procedure.

Dr. McBride stated he had reviewed the case carefully and did not find an issue. The issue that the patient was not returned to surgery in a timely manner is not supported by the facts. Dr. Herpolsheimer appropriately got the consults he needed in the timeframe the clinical situation called for.

Discussion ensued concerning Dr. Herpolsheimer's treatment of the patient.

Dr. Baepler stated the medical records case was too weak to proceed on and moved that the Board dismiss both counts against Dr. Herpolsheimer. Dr. Held seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 15

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. LAURIE PUBLICOVER, M.D., BME CASE NO. 04-7609-1

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

OPEN SESSION

Seetal Tejura, Esq., was present in Las Vegas and stated she was Dr. Publicover's attorney and was present on behalf of Dr. Publicover.

Ms. Guerci-Nyhus named the adjudicating members and summarized the facts of the case.

Ms. Guerci-Nyhus asked whether Ms. Tejura would like the matter to be heard in closed session, with the public being excluded, and Ms. Tejura stated she did not.

Discussion ensued concerning Dr. Publicover's treatment of the patient. Dr. Rodriguez stated he thought the patient's condition was not investigated as thoroughly as it should have been. In his opinion, there were enough red flags that she probably should have been kept in the hospital and other tests conducted. So her treatment of the patient probably dipped below the standard of care in this case.

Dr. McBride agreed and added that the presentation and history of the patient and Dr. Publicover's failure to look at the notes from the ambulance were the biggest oversights.

Dr. Held agreed and stated the patient should have been kept in the hospital. He added that he agreed with the findings of hearing officer; the things he found to be credible, Dr. Held also found to be credible, and those he found to be not credible, Dr. Held also found to be not credible.

Ms. Brand asked the adjudicating Board members whether they had reviewed the information provided relative to the adjudication, and all indicated they had.

Dr. Held moved that the Board find Dr. Publicover guilty of one count of malpractice pursuant to NRS 630.301(4), for failure to provide reasonable care. Mrs. Kirch 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.

Mr. Cooper stated the costs related to the case were \$15,082.02.

Ms. Brand added that the Board could also suspend a license and stay the suspension based on conditions if they have any, such as CME.

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

Dr. Rodriguez amended his motion to state that Dr. Publicover was to reimburse the costs within 120 days. Dr. McBride seconded the amended motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 17

**RECOMMENDATION FOR DISMISSAL WITH PREJUDICE IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JON SIEMS, M.D.,
BME CASE NO. 05-13009-1**

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

OPEN SESSION

Ms. Brand stated that Dr. Siems was charged with having inadequate informed consent with regard to two different patients. As the investigation continued, he was able to produce adequate informed consent. She submitted the information to the peer reviewer and asked whether the informed consent was adequate, and in each case the peer reviewer stated it was. Therefore, the Investigative Committee recommended dismissal of the case.

Dr. Baepler moved that the Board dismiss the case against Dr. Siems with prejudice. Dr. Held seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 18

**RECOMMENDATION FOR DISMISSAL WITHOUT PREJUDICE IN THE MATTER OF
THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. NAVNEET SHARDA, M.D.,
BME CASE NO. 06-11856-1**

- Lyn E. Beggs, Deputy General Counsel

OPEN SESSION

Ms. Beggs stated a complaint was originally filed against Dr. Sharda for one count of malpractice and one count of failure to keep proper medical records. During the course of investigation of the case new information was received and the case was taken back before the Investigative Committee. The Investigative Committee recommended dismissal of the matter based upon receipt of the additional information.

Dr. Held moved that the Board dismiss the case against Dr. Sharda without prejudice. Dr. Baepler 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. RONALD FOOTE, M.D.,
BME CASE NO. 05-12899-2**

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

OPEN SESSION

Mr. Cousineau stated that a case against Dr. Foote had been adjudicated several months back with respect to his arrest for a DUI and disruptive behavior at the hospital following his arrest. There was a finding against Dr. Foote for conduct bringing the profession into disrepute. Mr. Cousineau said the reason he brought this up is that concurrent with the filing of this matter that is currently being contemplated for settlement, it was recommended to Dr. Foote, through his counsel, that some in-patient treatment might be appropriate because there was a concern, based upon a multiplicity of complaints regarding the doctor and the fact that there was a belief there might be an impairment issue related to both the previous incident and the incident currently under discussion. Dr. Foote self-admitted to Talbot treatment facility for four months and provided an evaluation to the Investigative Committee that indicated he was fit to practice based upon certain conditions. The matter that relates to malpractice in this case is a rather serious one, but he wanted the Board to be aware that Dr. Foote has made a decent effort to try to resolve the concerns the Board had as to his fitness to practice and the safety of the public. Pursuant to the settlement agreement, he will acknowledge wrongdoing, will receive a public reprimand, pay the costs associated with the case and be subject to suspension of his license with the suspension stayed for nine months. He is currently under contract with the Diversion Program for five years and is in compliance.

Discussion ensued concerning Dr. Foote's fitness to practice and whether the settlement was appropriate.

Dr. McBride moved that the Board accept the settlement as presented. Ms. Stoess seconded the motion, and it passed, with Mrs. Kirch opposed to the motion and all other 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. BRUCE WILKIN, M.D.,
BME CASE NO. 03-4942-1**

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

OPEN SESSION

Ms. Beggs stated that a settlement was reached during the hearing on this case. A second amended complaint had been filed against Dr. Wilkin alleging nine counts and, as part of the settlement, Dr. Wilkin would admit to six of the nine counts. It was a long and complicated case with a procedural history that would probably fit into two novels. The case was begun in 2003 and has gone through at least three or four different attorneys. In the course of preparing the case for hearing, she encountered issues with the evidence due to the age of the evidentiary documentation and the fact that it had passed through multiple hands and there

was no way to tell whether the records were complete records or had been divided at some point. During testimony, it appeared that the Investigative Committee's expert witness might not be strong enough and the Investigative Committee might not prevail in the case. Ms. Beggs then summarized the terms of the settlement agreement. The public record would show that Dr. Wilkin violated the Medical Practice Act in six circumstances as outlined in the settlement agreement. Dr. Wilkin would be banned from prescribing appetite suppressants, would receive a public reprimand, would be required to do 24 hours of CME in regards to topics that were at issue in the case and he would reimburse the costs incurred by the Board in the case. The remaining three counts against Dr. Wilkin would be dismissed.

Dr. Anjum 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 22

LICENSURE RATIFICATION

Mrs. Kirch moved that the Board ratify the licenses issued and reinstatements of licensure and changes of licensure status approved since the December 1 & 2, 2006 Board meeting. Ms. Stoess 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 12:05 p.m.

RECONVENE

Dr. Anwar reconvened the meeting at 1:10 p.m.

Agenda Item 16

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS vs. WYDELL WILLIAMS, M.D., BME CASE NO. 05-11796-1

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

OPEN SESSION

Ms. Guerci-Nyhus named the adjudicating members and summarized the facts of the case. She then asked the adjudicating Board members whether they had reviewed the information provided relative to the adjudication, and all indicated they had.

Discussion ensued concerning Dr. Williams' treatment of the patient.

Dr. Rodriguez stated this is a standard procedure to perform and Dr. Williams' treatment was a deviation from the standard of care.

Dr. Rodriguez moved that the Board find Dr. Williams guilty of malpractice as defined in the complaint. Dr. Baepler seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Dr. Held moved that Dr. Williams receive a public reprimand and be ordered to reimburse the Board's costs of investigation and prosecution of the case against him, payable within 90 days of the Board's order.

Mr. Cooper stated the costs in the case were \$6,195.37, not including the Attorney General's fees.

Dr. Rodriguez seconded the motion, and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 21

CONSIDERATION OF STIPULATION FOR SETTLEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ADELAIDA RESUELLO, M.D., BME CASE NO. 06-11489-1

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

OPEN SESSION

Jim Rosenberger, Esq. appeared on behalf of Dr. Resuello.

Ms. Beggs stated that the complaint filed against Dr. Resuello alleged four counts, one for malpractice, one for aiding, assisting, employing or advising, directly or indirectly, an unlicensed person to engage in the practice of medicine, one count of failing to notify the Board of an unlicensed physician coming to the state for consultation or assistance and one count of failure to maintain timely, legible, accurate and complete medical records.

Ms. Beggs stated that as part of the settlement, Dr. Resuello would admit to one count of malpractice and one count of assisting an unlicensed person to engage in the practice medicine in the state of Nevada, and the other two counts would be dismissed. She stated the terms of the settlement agreement were quite lengthy, so she would not go over them at that time, but that they were outlined in paragraph 5 of the settlement agreement. She noted there was a typo on page 5, line 2, where it states 60 spelled out with 90 in parenthesis, and should be 90 spelled out and 90 in parenthesis, which is the timeframe to pay the costs in the matter, which at that time were \$1,680.90.

Mr. Rosenberger said the settlement agreement was fair and reasonable under the circumstances of what occurred and asked that the Board adopt it.

Dr. Anjum 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 23

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

23(a) James Esser, M.D.

Ms. Guerci-Nyhus asked James Esser, M.D. 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. Esser, who appeared before the Board to respond to questions concerning his affirmative response to Question 12 and his negative responses to Questions 13, 19 and 27 on his application for licensure.

Dr. Esser explained that he had forgotten about his arrest for driving under the influence in 1981 because the charge was subsequently reduced to a moving violation and because he hadn't been through a licensing process in about 10 years and it hadn't come up. He said it was an oversight on his part; it was not an intent to misrepresent, and now that it had been brought to his attention he understood he needed to be more careful when completing applications in the future. He described the reasons for his voluntary surrender of his license to practice medicine in West Virginia, and said he hadn't considered it to be a "surrender" of his license because no one requested that he surrender his license; it was a voluntary action on his part to avoid paying an expensive surcharge that was being assessed by the state of West Virginia. He explained the circumstances surrounding the malpractice claims against him and the negative comments received by the Board from the program director at the University of Hawaii transitional residency program concerning his performance in the program.

Dr. Baepler moved that the Board grant Dr. Esser's application for a special purpose license. Ms. Stoess seconded the motion, and it passed, with Mrs. Kirch and Dr. McBride opposed to the motion and the Chair voting in favor of the motion.

Agenda Item 24

MATTERS FOR FUTURE AGENDA

Mr. Clark stated the following matters will be on the Agenda for the June 2007 meeting: annual review and discussion of professional competency of staff and staff compensation; consideration of renewal of contract with Nevada Health Professionals Assistance Foundation for the Board's diversion program for July 1, 2007 through June 30, 2009; 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; consideration of approval of 2006 Board annual report; election of officers and appointment of committee members; 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 Dr. Melvin Mayer and broadcast live to the Venetian Hotel in Las Vegas; and an update on the legislative session.

Agenda Item 12 **(CONTINUED)**

EXECUTIVE STAFF REPORTS

- Consideration and Approval of Revised Organizational Chart, Personnel Policies and Officer, Committee and Job Descriptions Manual
- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items
 - Drennan A. Clark, J.D., Executive Director/Special Counsel

- Consideration of Request for Staff Attendance at Educational Meetings

Mr. Cooper provided the Board members with the costs associated with the CLEAR training.

Dr. Baepler stated that it is highly advantageous for staff to attend these educational meetings, and moved to approve the requests for training. Mrs. Kirch seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Agenda Item 25
PUBLIC COMMENT

Weldon Havins, M.D., J.D., CEO and Special Counsel of the Clark County Medical Society, stated that the other Boards whose meetings he has attended – the Board of Osteopathic Medicine, the Nursing Board, the Chiropractic Board and the Pharmacy Board – all hear reports early in the meeting, after the minutes, so those people can leave and not have to sit through the Board meeting. He also requested that in the future, the Board's retreats be held in Nevada so it will be easier for the public to attend.

Agenda Item 23 *(CONTINUED)*
**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE**

23(b) Stacey Knobler, M.D.

Stacey Knobler, M.D. appeared before the Board on her application for licensure by endorsement.

Ms. Guerci-Nyhus asked Dr. Knobler whether she wanted her application to be considered in closed session, with the public being excluded, and she said she did not.

Dr. Baepler stated that Dr. Knobler was appearing before the Board on her application for licensure by endorsement, as she had not practiced in 14 months and had not passed a major examination in the last 10 years. She is a pediatric neurologist, which is an underserved specialty.

Dr. Knobler explained that she will be taking the American Board of Psychiatry and Neurology written examination in November, and if she passes that, she will be scheduled for the oral examination, which can take anywhere from 4 to 12 months. She stated she had taken the neurology boards right after residency and didn't pass, and since then has just been busy. She described what she planned to do if granted a license to practice medicine in Nevada. To stay current, she had over 100 hours of CME last year and tries to keep up with the literature.

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

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

23(c) Ron Aryel, M.D.

Ron Aryel, M.D. appeared before the Board on his application for licensure by endorsement.

Dr. Held requested that the Board go into a non-meeting recess.

Upon returning to Open Session, Ms. Guerci-Nyhus asked Dr. Aryel whether he wanted his application to be considered in closed session, with the public being excluded, and he said he did not.

Dr. Held stated that Dr. Aryel was appearing before the Board on his application for licensure by endorsement, as he had not passed a major examination in the last 10 years.

Dr. Aryel stated the largest percentage of his clinical practice had been in pediatrics, and described what he planned to do if granted a license to practice medicine in Nevada.

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

Dr. Held moved that the Board grant an unrestricted license to Dr. Aryel, 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.

23(d) Eric Conner, M.D.

Ms. Guerci-Nyhus asked Eric Conner, M.D. 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. McBride seconded the motion, and it passed.

Upon returning to Open Session, Dr. Conner withdrew his application.

23(f) Robert Marriott, M.D.

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

Ms. Guerci-Nyhus asked Dr. Marriott whether he wanted his application to be considered in closed session, with the public being excluded, and he said he did not.

Dr. Anjum questioned Dr. Marriott regarding why it took him over eight years to pass all three steps of the USMLE.

Dr. Marriott explained that he delayed his first attempt at Step III because he was in a fairly intense surgical residency and in New York they didn't require that you take Step III, so there was no compelling reason for him to take it at that time. He took it before he applied for

his California license.

Dr. Anjum explained the circumstances under which the Board grants licensure by endorsement, and stated that Dr. Marriott did not have comparable qualifications to those to whom the Board had previously granted licenses by endorsement.

Dr. Marriott explained he is contracted through a wound-care company and he was asked by the company to apply because they are having difficulty finding surgeons to fill positions in Las Vegas to care for their patients there.

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

23(h) K.C.R. Nair, M.D.

K.C.R. Nair, M.D. appeared before the Board on his application for licensure by endorsement.

Ms. Guerci-Nyhus asked Dr. Nair 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. Nair had been appointed the Hospital Director of the Rawson-Neal Psychiatric Hospital in Las Vegas, and was practicing administrative functions at this time. Dr. Baepler stated that Dr. Nair had not passed a major examination in the last 10 years, but he had been granted a lifetime certificate by the American Board of Psychiatry in 1971 so he is not required to recertify. He was elected a fellow of the American Psychiatric Association and for 10 years he was an examiner for the American Board of Psychiatry, examining people applying for certification and recertification. Dr. Nair is also in an underserved specialty.

Dr. Nair stated that if granted a license to practice medicine in Nevada, he would be involved in patient care, but he would still perform mostly administrative duties.

David Rosin, M.D., the State Medical Director for Mental Health and Developmental Services, spoke in support of Dr. Nair's application and stated they hired Dr. Nair as an administrator because they were so impressed with his credentials, but were hoping that he would be granted a medical license so he could assume the full responsibilities of the position.

Dr. Anjum moved that the Board exercise its discretion to grant licensure by endorsement to Dr. Nair. Dr. Baepler seconded the motion, and it passed, with Mrs. Kirch opposed to the motion and the Chair voting in favor of the motion.

ADJOURNMENT

Ms. Stoess moved to adjourn the meeting. Mrs. Kirch seconded the motion, and it passed. Dr. Anwar adjourned the meeting at 4:15 p.m.