



Nevada State Board of Medical Examiners

***** PUBLIC NOTICE *****

NEVADA STATE BOARD OF MEDICAL EXAMINERS BOARD MEETING

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

Videoconferenced to:

*Conference Room at the Offices of the
Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118*

Friday, October 3, 2008 – 8:30 a.m.

AND

Saturday, October 4, 2008 – 8:30 a.m.

***** AGENDA *****

Please Note:

- 1) Persons wishing to attend this meeting may do so at either of the above-listed locations for each day of the meeting.
- 2) Agenda items, other than those items posted with a specific date and time, may be taken out of sequence to accommodate persons appearing before the Board and/or to aid in the effectiveness of the meeting.

1. Call to Order and Announcements - Charles N. Held, M.D., President
 - Roll Call/Quorum
 - Announcement of Appointment by the Governor of Van V. Heffner to the Board effective July 18, 2008, and of Reappointment of Jean Stoess, M.A., effective July 1, 2008
 - Introduction of Louis Ling, J.D., Incoming Executive Director/Special Counsel

- 2.* Approval of Minutes
 - March 28 & 29, 2008 Board Meeting –Open Session, *Amended Minutes*
 - June 4, 2008 Telephone Conference Call Board Meeting – Open Session
 - June 13 & 14, 2008 Board Meeting – Open/Closed Sessions
 - August 5, 2008 Telephone Conference Call Board Meeting – Open Session

- 3.* Consideration and Approval of 2007-2008 Audit by Solari & Sturmer
Friday, October 3, 2008, at 8:45 a.m., or as soon thereafter as it may be heard
 - David Silva, CPA, Solari and Sturmer, LLC; Renee West, Secretary-Treasurer

- 4.* Consideration of Adoption of Amendments to Nevada Administrative Code Chapter 630
Friday, October 3, 2008, at 9:00 a.m., or as soon thereafter as it may be heard
 - Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.275 to Make Confidentiality of Certain Information Applicable to Practitioners of Respiratory Care, as Well as Physicians and Physician Assistants
 - Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.290 to Remove the Requirement that an Applicant for a Physician Assistant License State His or Her Gender on the Application for Licensure
 - Consideration of Amendment to Nevada Administrative Code Chapter 630, to Amend NAC 630.505 to Remove the Requirement that an Applicant for a Practitioner of Respiratory Care License State His or Her Gender on the Application for Licensure
 - Edward O. Cousineau, J.D., Deputy General Counsel

- 5.* Discussion of Legislative Initiative Concerning Definition of Clinical Practice of Medicine for 2009 Legislative Session
 - Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel

- 6.* Consideration and Approval of New Board Mission Statement
 - Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel

- 7.* Consideration of Adopting Scope of Practice Guidelines Similar to Those Adopted by the Arizona Medical Board
 - Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel

- 8.* Discussion Concerning Appropriate Language in Applications for Initial Licensure or Renewal of Licensure, and Relating to the Applicant's Duty to Disclose Certain Investigatory Matters
 - Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel; S. Daniel McBride, M.D., Board Member; Douglas C. Cooper, Chief of Investigations; Lynnette L. Daniels, Chief of Licensing

- 9.* Discussion Concerning Board Member Duties and Conflict of Interest Form
 - Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General; Lyn E. Beggs, J.D., Deputy General Counsel

- 10.* Consideration of Request of Prem Kittusamy, M.D., for Approval of a Hands-On Peripheral Vascular Interventional Program at Valley Hospital and Medical Center in Las Vegas
- Lynnette L. Daniels, Chief of Licensing
- 11.* Consideration of Request of William Werschler, M.D., for Approval for Out-of-State Physicians to Perform Live, Non-Surgical Aesthetic Treatment Demonstrations at the American Society of Cosmetic Dermatology and Aesthetic Surgery (ASCDAS), December 4-7, 2008, at the Wynn Las Vegas Resort in Las Vegas
- Lynnette L. Daniels, Chief of Licensing
- 12.* Discussion Concerning Board Responses to Media Inquiries Regarding Pending Cases and Board Procedures
- Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel; Renee West, Secretary-Treasurer
- 13.* Reports
- Diversion Program - Quarterly Report - Peter A. Mansky, M.D., Director, Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - John B. Lanzillotta, P.A.-C, Advisory Committee Member
- Practitioner of Respiratory Care Advisory Committee - Peggy Alby, R.R.T., Advisory Committee Member
- Investigative Committees - Charles N. Held, M.D., President, Chairperson, Investigative Committee A
Sohail U. Anjum, M.D., Board Member, Chairperson, Investigative Committee B
- Consideration of Cases Recommended for Closure by the Committees
- Investigations Division - Douglas C. Cooper, Chief of Investigations
- Status of Investigative Case Load
- Compliance Program Report
- Certified Medical Board Investigator Training, 2008, Las Vegas, NV
- 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., Vice President
- Washoe County Medical Society Liaison Report - Cindy Lamerson, M.D., Board Member; Jeanie L. Catterson, Executive Director, Washoe County Medical Society
- Secretary-Treasurer - Renee West, Secretary-Treasurer
- Status of Finances
- 14.* Executive Staff Reports - Drennan A. Clark, J.D., Executive Director/Special Counsel; Louis Ling, J.D., Incoming Executive Director/Special Counsel
- Ratification of Approval of Revised Board Officer Description for the Secretary-Treasurer
- Consideration and Approval of Change to Job Title and Job Description of Executive Director/Special Counsel
- Consideration and Approval of Addition to Job Title and Job Description of Credentialing Specialist
- Consideration of Request for Staff Attendance at Educational Meetings
- Informational Items

15. Legal Reports - Edward O. Cousineau, J.D., Deputy General Counsel
Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General
- Board Litigation Status
- 16.* Adjudication in the Matter of *the Nevada State Board of Medical Examiners vs. Elliott Schmerler, M.D.*, BME Case No. 08-9279-1
Friday, October 3, 2008, at 11:00 a.m., or as soon thereafter as it may be heard
- Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Sohail U. Anjum, M.D., Board Member; Javaid Anwar, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Van V. Heffner, Board Member
- 17.* Adjudication in the Matter of *the Nevada State Board of Medical Examiners vs. Mark Russell, C.R.T.*, BME Case No. 07-26329-1
Friday, October 3, 2008, at 11:15 a.m., or as soon thereafter as it may be heard
- Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Sohail U. Anjum, M.D., Board Member; Javaid Anwar, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Van V. Heffner, Board Member
- 18.* Consideration of Order to Show Cause in the Matter of *the Nevada State Board of Medical Examiners vs. Kent Alan Swaine, M.D.*, BME Case No. 07-20873-1
Friday, October 3, 2008, at 11:30 a.m., or as soon thereafter as it may be heard
- Christine M. Guerci-Nyhus, J.D., Chief Deputy Attorney General
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Sohail U. Anjum, M.D., Board Member; Javaid Anwar, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Van V. Heffner, Board Member
- 19.* Consideration of Stipulation for Settlement in the Matter of *the Nevada State Board of Medical Examiners vs. Dana Marks, M.D.*, BME Case No. 08-18131-1
- Lyn E. Beggs, J.D., Deputy General Counsel
Closed Session for consideration
Open Session for adjudication
Adjudicating Board Members: Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Sohail U. Anjum, M.D., Board Member; Javaid Anwar, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Van V. Heffner, Board Member

20.* Consideration of Stipulation for Withdrawal of Application for Licensure of James Murphy, M.D.

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

Closed Session for consideration

Open Session for adjudication

Adjudicating Board Members: Charles N. Held, M.D., President; Benjamin J. Rodriguez, M.D., Vice President; Renee West, Secretary-Treasurer; Sohail U. Anjum, M.D., Board Member; Javaid Anwar, M.D., Board Member; Jean Stoess, M.A., Board Member; Cindy Lamerson, M.D., Board Member; S. Daniel McBride, M.D., Board Member; Van V. Heffner, Board Member

21.* Licensure Ratification

- Ratification of Licenses Issued, and Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 13 & 14, 2008 Board Meeting

22.* Appearances for Consideration of Acceptance of Applications for Licensure
Portions of these appearances may be conducted in closed session in accordance with NRS 241.030.

- | | |
|-------------------------------------|-----------------------------------|
| (a) Zhen Xiang Liu, M.D. | (l) Chentsu B. Pan, M.D. |
| (b) Araz Tawfique, M.D. | (m) Sunita B. Kalra, M.D. |
| (c) Share-Dawn Paulette Angel, M.D. | (n) George A. Fredrick, M.D. |
| (d) Khalil Jamal Carter, M.D. | (o) Sharmane M. Gray, M.D. |
| (e) Simon Wilson, M.D. | (p) Jonathan R. Oppenheimer, M.D. |
| (f) Luke Ellison, C.R.T. | (q) Sushil Patel, M.D. |
| (g) William H. Macklin, III, M.D. | (r) Sahar A. Samaha, M.D. |
| (h) Daniel M. Stasik, P.A. | (s) David Eli Fish, M.D. |
| (i) Sam H. Alexander, M.D. | (t) Michael J. Fitzmaurice, M.D. |
| (j) Jonathan L. McCaleb, M.D. | (u) David N. Jackson, M.D. |
| (k) Carey I. Weiss, M.D. | (v) John J. Kastrup, M.D. |

23. Matters for Future Agenda

24. **Public Comment

* Denotes items on which action may occur.

** Under the Public Comment agenda item, members of the general public may bring matters not appearing on this agenda to the attention of the Board. The Board may discuss the matters, but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action. In consideration of others, who may also wish to provide public comment, please avoid repetition and limit your comments to no more than five (5) minutes.

NOTICES POSTED AT THE FOLLOWING LOCATIONS:

Nevada State Board of Medical Examiners - Reno
Washoe County Court House - Reno
Reno City Hall - Reno
Office of the Attorney General - Carson City

Office of the Attorney General - Las Vegas
Clark County Health Department - Las Vegas
Elko County Court House - Elko
White Pine County Court House - Ely

PLEASE NOTE:

- 1) Persons/facilities desiring copies of the Board's agenda must submit their request in writing every six months. Check the address label for this agenda for expiration date.
- 2) With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted in accordance with the Open Meeting Law; however, they will not be mailed to individuals on the Board's mailing list.
- 3) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Board office in writing at P.O. Box 7238, Reno, NV 89510 or by calling 775/688-2559 prior to the date of the meeting.