



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, Nevada 89502

and videoconferenced to

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

FRIDAY, JUNE 7, 2013 – 8:30 a.m.

Board Members Present

Benjamin J. Rodriguez, M.D., President
Theodore B. Berndt, M.D., Vice President
Valerie J. Clark, BSN, RHU, LUTCF, Secretary-Treasurer
Beverly A. Neyland, M.D.
Michael J. Fischer, M.D.
Bashir Chowdhry, M.D.
Wayne Hardwick, M.D.

Board Members Absent

Donna A. Ruthe
Sue Lowden

Staff/Others Present

Douglas C. Cooper, CMBI, Executive Director
Edward O. Cousineau, J.D., Deputy Executive Director
Bradley O. Van Ry, J.D., General Counsel
Erin L. Albright, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Pamela J. Castagnola, CMBI, Chief of Investigations
Lynnette L. Daniels, Chief of Licensing
Donya Jenkins, Finance Manager
Colleen L. Platt, J.D., Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

- *Benjamin J. Rodriguez, M.D., President*

The meeting was called to order by President Benjamin J. Rodriguez, M.D., at 8:34 a.m.

Mr. Cousineau took roll call, and all Board members were present with the exception of Donna A. Ruthe and Sue Lowden. Mr. Cousineau announced there was a quorum.

Mr. Cooper introduced Colleen L. Platt, J.D., the Board's new Attorney General counsel, and provided a brief summary of her background.

Mr. Cooper announced that Dr. Berndt had been reappointed by the Governor for another term on the Board, that Ms. Ruthe's term expires on June 30, 2013, and that Dr. Rodriguez' term expires on August 30, 2013.

Dr. Rodriguez announced that Dr. Neyland will be assuming the position of Chairwoman of Investigative Committee B and Mrs. Lowden and Dr. Chowdhry have been appointed to Investigative Committee B to replace Dr. Rodriguez and Ms. Ruthe. The composition of Investigative Committee A remains unchanged.

Mr. Cooper advised the Board that License Specialist Michael Siva had left the employment of the Board and introduced his replacement, Michelle L. Aldana.

Agenda Item 2

PUBLIC COMMENT

Dr. Rodriguez asked whether there were any members of the public who would like to present public comment, and there were none.

Agenda Item 3

APPROVAL OF MINUTES

- March 8, 2013 Board Meeting – Open/Closed Sessions

Dr. Fischer moved to approve the Minutes of the March 8, 2013 Board Meeting – Open/Closed Sessions. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 4

LEGISLATIVE REPORT

- *Keith L. Lee, Esq., NSBME Legislative Representative; Douglas C. Cooper, CMBI, Executive Director*

Mr. Lee summarized some of the items and issues addressed by the Nevada Legislature during its 2013 session that were unrelated to the practice of medicine or the Board and then recapped the legislation which would affect the Board and the practice of medicine. SB199 increases the criminal penalties for unlicensed practice of medicine. These penalties differ from those in SB220, another bill that addresses unlicensed practice of medicine, and generally speaking, the bill that is signed last will most likely determine the penalties that will be imposed. SB220 is a very extensive bill that affects virtually every medical licensing board in Nevada. With respect to this Board, it authorizes the Board to enter and inspect the premises of any licensee to determine whether unlicensed practice of medicine is occurring on the premises and to share information regarding unlicensed practice of medicine with law enforcement and other licensing boards, if applicable. Additionally, the Board will be required to adopt regulations regarding the possession and administration of Botox. The bill also confirms the Board's existing authority to issue "cease and desist" orders to those practicing medicine without a license and/or committing other violations of the Medical Practice Act and grants the Board discretion to issue administrative citations to those practicing medicine without a license and impose a fine not to exceed \$5,000.

Mr. Lee explained that SB319 permits, but does not require, a licensee to substitute not more than two hours of continuing education credits in pain management or addiction care to satisfy his or her required ethics continuing education requirement. SB327 specifies that telemedicine may be practiced by a licensee within or outside Nevada, including foreign countries. If practicing outside Nevada, the licensee must maintain an electronic mail address at which the Board may contact the licensee and must notify the Board of any change in that electronic mail address. It requires that the Board adopt regulations regarding electronic, telephonic or fiber-optics supervision of physician assistants and use by physician assistants of equipment that transfers information regarding the condition of a patient electronically, telephonically or by fiber optics. Additionally, it authorizes the issuance of special purpose licenses to physicians licensed in other states to practice telemedicine in Nevada. The legislative intent of SB327 is that telemedicine can only be performed when a doctor-patient relationship has previously been established. Lastly, the bill permits the Board to issue a restricted license to graduates of foreign medical schools to teach, research or practice medicine in Nevada if the applicant meets the Board's requirements. SB450 increased the number of days for production of documents to the Board upon request or subpoena from 5 to 10 for in-state licensees and from 10 to 20 for out-of-state licensees, barring exigent circumstances as determined by the Board, in which case the 5- and 10-day time frames apply. It also repealed the provision making it a misdemeanor for willfully failing to respond in a timely manner.

The Board's bill, SBI62, failed. It passed the Senate unanimously, then passed out of the Assembly Commerce and Labor Committee unanimously; however, when it went to the Assembly floor for a vote on the third reading to become law, it was placed on the Chief Clerk's desk by Assemblywoman Carlton, where it died. The Board attempted to place provisions of SBI62 into SB450, but its efforts were defeated.

The Board was successful in defeating provisions that would have required Board staff to enter premises where unlicensed practice is alleged to be occurring and take action against such practice, a requirement that the Board be the central clearing house for all complaints regarding unlicensed practice, and a proposal that would have weakened the 36-month postgraduate education requirement.

Discussion ensued regarding the requirements for those who want to practice telemedicine in Nevada.

Mr. Lee thanked the staff and Board members for their assistance during the legislative session.

Agenda Item 5

PERSONNEL

- Annual Review and Discussion of Professional Competency of Executive Director
 - *Board Executive Committee*

Dr. Rodriguez stated that all Board members were provided with a performance evaluation form for Mr. Cooper and their input was requested. The overall rating was outstanding and the Board is grateful for Mr. Cooper's service.

Agenda Item 6

CONSIDERATION AND APPROVAL OF FY 2012 ANNUAL AUDIT BY KOHN COLODNY LLP, CERTIFIED PUBLIC ACCOUNTANTS

- *Beth Kohn-Cole, CPA, Kohn Colodny LLP; Valerie J. Clark, BSN, RHU, LUTCF, Secretary-Treasurer; Douglas C. Cooper, CMBI, Executive Director; Donya Jenkins, Finance Manager*

Beth Kohn-Cole, CPA, stated the Board had received an unqualified audit opinion, otherwise known as a clean audit opinion, for fiscal year 2012. She then summarized the financial position of the Board. Total assets were approximately \$4.6 million, which was down from the previous year, as 2012 was a non-renewal year. The Board's cash will again increase in 2013 with renewals. The Board's liabilities were approximately \$2 million, with the primary portion of that related to prepaid licensee fees that carried over into the current fiscal year. The Board's net position was approximately \$2.6 million. She then summarized the Board's budget to actual. The Board budgeted approximately almost \$3.3 million in revenue and the actual results were \$3.8 million, so the Board was better than budget by approximately \$500,000. The Board's total expenses were budgeted at about \$3.2 million and they came in within \$3,600, so the Board's expenses were right on track, better than budget. The operating revenue was approximately \$560,000 before net investment activity, and the investment activity was approximately \$23,000, so the Board's net overall was \$586,000. The audit found no identified instances of non-compliance and no material weaknesses were noted in internal controls.

Dr. Fischer moved that the Board approve the audit. Ms. Clark seconded the motion and it passed unanimously.

Agenda Item 7

QUARTERLY UPDATE ON FINANCES

- *Donya Jenkins, Finance Manager*

Ms. Jenkins summarized the information contained in the Balance Sheet for the first quarter of 2013. She explained that the Board continues to hold a little more in its checking account than in its CDs, as the checking account continues to pay a higher interest rate than the available CDs. The majority of the Board's assets are in cash and its total assets are currently around \$4 million. The Board's assets are approximately \$2 million ahead of its liabilities and the Board is in a very secure position going into the 2013 licensing renewal period.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the first quarter of 2013. The Board's total income was better than budget by approximately 19%. The Board budgeted very tightly this year because we wanted to upgrade our licensing system in this year's budget. The Board's expenses were at 99.5%, which means it was dead on in its expenses. The total net income for the quarter was \$195,000. Ms. Jenkins then provided an update on the status of the licensing software upgrade contract.

Discussion ensued regarding additional costs the Board may incur as a result of legislation passed during the 2013 session of the Nevada Legislature.

Dr. Fischer moved that the Board accept the financial report. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 8

UPDATE ON NEVADA OPEN MEETING LAW

- *Colleen L. Platt, J.D., Deputy Attorney General*

Ms. Platt described the various changes made to the Open Meeting Law as a result of legislation passed during the 2013 session of the Nevada Legislature and how they will affect the Board.

Agenda Item 9

CONSIDERATION AND ACTION REGARDING PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE CHAPTER 630

- (a) Consideration of Amendments to Nevada Administrative Code Chapter 630, Amending NAC 630.280, NAC 630.500 and NAC 630.700, Incorporating Language That Requires That a Physician Assistant, Practitioner of Respiratory Care or Perfusionist Applicant Is a Citizen of the United States, or Is Lawfully Entitled to Remain and Work in the United States
- (b) Consideration of Amendments to Nevada Administrative Code Chapter 630, Adding Language to NAC 630.530 and NAC 630.740 to Allow Practitioners of Respiratory Care and Perfusionists to Receive Continuing Education Credits for Time Spent Performing Peer Reviews for the Board

- *Edward O. Cousineau, J.D., Deputy Executive Director*

Mr. Cousineau stated the first three amendments will add language that currently does not exist in either statute or regulation for physician assistant, practitioner of respiratory care and perfusionist applicants, to bring their requirements current with those that exist in statute for MD applicants, requiring that they provide documentation that they are either citizens of the United States or lawfully entitled to work in the United States. The other two amendments will allow practitioners of respiratory care and perfusionists to receive continuing education credits for peer reviews they accomplish on behalf of the Board, which is already afforded to physicians and physician assistants.

Discussion ensued regarding the number of continuing education credits proposed in the last two amendments.

Dr. Hardwick moved that the Board authorize staff to proceed with the regulatory adoption process on these amendments. Dr. Rodriguez seconded the motion.

Discussion ensued regarding the reason for the proposed regulatory changes to NAC 630.280, NAC 630.500 and NAC 630.700.

A vote was taken on the motion and it passed unanimously.

Agenda Item 10

CONSIDERATION OF REQUEST OF JOEL WASHINSKY, M.D. FOR MODIFICATION OF THE TERMS OF HIS CURRENTLY EXISTING SETTLEMENT AGREEMENT WITH THE NSBME, SPECIFICALLY TO REMOVE HIM FROM PROBATION

- Joel Washinsky, M.D.

Dr. Washinsky was present in Las Vegas. Lawrence Preston, MBA, FHFMA, Chief Operating Officer for the Diagnostic Center of Medicine, was present with Dr. Washinsky on his behalf.

Dr. Washinsky stated he had received a tremendous amount of help from the PRN program and had met all of the requirements of the program.

Dr. Washinsky described the circumstances that led to disciplinary action being initiated against him by the Board and the terms of the settlement reached in the case. He then described his current medical practice with the Diagnostic Center of Medicine in Las Vegas, Nevada.

Mr. Preston stated that Dr. Washinsky had been employed by the Diagnostic Center of Medicine since August 1, 2012, explained the structure of the Diagnostic Center of Medicine, described what Dr. Washinsky had been doing while employed there, and stated Dr. Washinsky had performed exceptionally well and that patients like him.

Dr. Rodriguez asked how terminating Dr. Washinsky's probation would change his practice, and Dr. Washinsky stated it would allow him to be accepted by more insurance plans, thereby allowing him to see more patients. Mr. Preston explained that from a business perspective, about 50% of the patients who could otherwise see Dr. Washinsky can't see him due to his restricted license. Therefore, credentialing is currently a very large issue for them.

The insurance companies have stated they would have no issues with giving Dr. Washinsky credentials if he was released from probation.

Discussion ensued regarding whether it would be appropriate to release Dr. Washinsky from probation at that time.

Dr. Hardwick moved that the Board deny Dr. Washinsky's request to remove him from probation with an advisory that he can come back to the Board and make the request again in the future. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 11

CONSIDERATION OF REQUEST OF DALE MERICLE, M.D. FOR REMOVAL OF A CONDITION ON HIS MEDICAL LICENSE

- *Dale Mericle, M.D.*

Dr. Mericle was present in Reno. Lee Hotchkin, Esq. was present with Dr. Mericle as his legal counsel.

Dr. Rodriguez asked Dr. Mericle whether he wanted his request to be considered in closed session, with the public being excluded, and he said that he did.

Dr. Fischer moved that the Board go into closed session pursuant to NRS 241.030. Dr. Neyland seconded the motion and it passed unanimously.

Upon returning to open session, Dr. Rodriguez moved that the Board table Dr. Mericle's request for removal of a condition on his license pending the outcome of a repeat psychiatric evaluation. Ms. Clark seconded the motion and it passed, with Dr. Hardwick voting against the motion and all remaining Board members voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF REQUEST OF KIM ADAMSON, M.D. FOR APPROVAL OF NEW EMPLOYER FOR HIS COUNTY-RESTRICTED LICENSE

- *Kim Adamson, M.D.*

Dr. Adamson was present in Reno. Dr. Rodriguez asked Dr. Adamson whether he wanted his request to be considered in closed session, with the public being excluded, and he said that he did not.

Dr. Adamson explained that his job at the Pyramid Lake Indian Reservation had ended and he was requesting that his county-restricted license be changed from Washoe County at Pyramid Lake to Pershing County at Pershing General Hospital in Lovelock, Nevada.

Dr. Rodriguez asked Dr. Adamson what he had been doing since leaving the Pyramid Lake Clinic in Nixon, and Dr. Adamson explained that he had undergone some orthopedic surgery and had since been trying to find a new employer. He stated he had greatly exceeded the continuing medical education requirements, had recertified in advanced cardiac life support and had been teaching a recovery class in Fallon.

Dr. Rodriguez asked Dr. Adamson what he would be doing at Pershing General Hospital, and Dr. Adamson explained that he would start by covering in the emergency room and hoped to work into the clinic.

Dr. Hardwick questioned Dr. Adamson about the fact that when he renewed his license in 2011, he failed to disclose a conviction for reckless driving in August 2010. Dr. Adamson explained that he was initially charged with driving under the influence, but that was not the case, and the conviction was on appeal.

Dr. Berndt asked Dr. Adamson how long it had been since he practiced emergency medicine, and Dr. Adamson stated he had not practiced true emergency room medicine since 1997.

Dr. Hardwick questioned Dr. Adamson regarding the fact he had not practiced clinical medicine in the last two years.

Dr. Adamson stated he had taken and passed the SPEX and had attended the CPEP program before going to work at Pyramid Lake. He suggested that in order to address the Board's concerns, he could check into modifying his request to work in the clinic only, which is what he had been doing at Pyramid Lake.

Discussion ensued regarding whether it would be appropriate to require a peer review with an emergency room physician, attendance at a clinical competency program or a mentorship, prior to making a decision on Dr. Adamson's request. Dr. Adamson indicated it would be a huge problem for him to attend another clinical competency program at that time.

Discussion ensued regarding whether a six-month mentorship program in a clinic setting would be appropriate and proposed terms to be included in the mentorship. Dr. Adamson indicated that would be acceptable to him.

Dr. Hardwick questioned Dr. Adamson regarding his history with substance abuse, and Dr. Adamson stated he was no longer that person and had been clean for many years now.

Dr. Rodriguez moved that the Board grant Dr. Adamson's request to change his county-restricted license to Pershing County contingent on him constructing and bringing to the Board a mentoring program in a clinic of a six-month duration that is approved by the Executive Committee of the Board. Dr. Fischer seconded the motion.

Discussion ensued regarding the procedure that would be followed when Dr. Adamson submits his proposed mentoring program.

Mr. Cousineau stated that Dr. Adamson could come back to the Board after the six-month mentorship and petition the Board for modification of the condition to allow him to work in the emergency room or to lift the condition entirely.

A vote was taken on the motion, and it passed, with Dr. Rodriguez, Ms. Clark, Dr. Neyland, Dr. Fischer and Dr. Chowdhry voting in favor of the motion and Dr. Berndt and Dr. Hardwick voting against the motion.

Agenda Item 13

REPORTS

(a) Investigative Committees

- Consideration of Cases Recommended for Closure by the Committees
 - *Theodore B. Berndt, M.D., Vice President, Chairman, Investigative Committee A;*
 - *Benjamin J. Rodriguez, M.D., President, Chairman, Investigative Committee B*

(b) Investigations Division

- (1) Status of Investigative Caseload
- (2) Quarterly Compliance Report
 - *Pamela J. Castagnola, CMBI, Chief of Investigations*

(c) Nevada State Medical Association Report - *Lawrence P. Matheis, Executive Director, Nevada State Medical Association; Wayne Hardwick, M.D., Board Member*

(d) Clark County Medical Society Report - *Loretta Moses, Executive Director, Clark County Medical Society; Benjamin J. Rodriguez, M.D., Board President*

(a) Investigative Committees

- Consideration of Cases Recommended for Closure by the Committees

Dr. Berndt reported that Investigative Committee A met and considered 132 cases, authorized the filing of a formal complaint in 13 cases, sent 13 cases out for peer review, requested an appearance in 7 cases, issued 32 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up, reviewed 2 cases for compliance and recommended closure of a total of 62 cases, including those cases in which letters of concern were issued.

Dr. Rodriguez reported that Investigative Committee B met and considered 87 cases, authorized the filing of a formal complaint in 10 cases, sent 9 cases out for peer review, requested an appearance in 5 cases, issued 16 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up and recommended closure of a total of 45 cases, including those cases in which letters of concern were issued.

Dr. Fischer moved to approve for closure the cases recommended by the Investigative Committees. Dr. Chowdhry seconded the motion and it passed unanimously.

(b) Investigations Division

(1) Status of Investigative Caseload

Ms. Castagnola reported the current number of open investigative cases was 431 and the number of cases per investigator was 72. There were 44 peer reviews in the field and 4 peer reviews awaiting assignment.

Dr. Rodriguez moved to accept the report. Dr. Fischer seconded the motion and it passed unanimously.

(2) Quarterly Compliance Report

Ms. Castagnola stated that the written compliance report for the first quarter of 2013 had been provided to the Board and reported that since March 31, the Board had collected an additional \$8,419.20 in fines and \$1,500.00 in costs.

Dr. Rodriguez moved to accept the report. Dr. Neyland seconded the motion and it passed unanimously.

(c) Nevada State Medical Association Report

Lawrence P. Matheis, Executive Director of the Nevada State Medical Association (NSMA), reported that the NSMA held its annual meeting the last weekend of April. Additionally, they just completed a third-party payer roundtable in Las Vegas, which was a repeat of what they did last year, and it was again well attended. They will hold another in the Reno area in the fall. They will hold a second joint conference with the Nevada State Bar in September – this time on healthcare fraud. He stated that Keith Lee had presented a good overview of what transpired during the 2013 legislative session but there was one other issue which will require regulatory activity, and that is ABI70, the bill that created APRNs.

(d) Clark County Medical Society Report

Loretta Moses, Executive Director of the Clark County Medical Society (CCMS), reported that 23 delegates from the CCMS attended the NSMA annual meeting this year. Last year, CCMS hired a public relations firm, Mass Media, that did a fabulous job, but as a result CCMS realized how much they needed to have someone in house, so in January they let Mass Media go and did a search for a community and public relations specialist. They hired Yanné Givens in May and are really pleased with what she has done for them so far. CCMS just held elections and will install officers and present various awards on June 29.

Agenda Item 14

CONSIDERATION OF AMENDED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LYNN GREENHOUSE, M.D., BME CASE NO. 11-7546-1

- *Bradley O. Van Ry, J.D., General Counsel*

Dr. Greenhouse was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Van Ry explained that there was some disagreement and arguably a reasonable misunderstanding regarding some of the terms of the original settlement agreement. Staff met with Dr. Greenhouse and her attorney, and negotiated this amended settlement agreement to clarify some of the claimed ambiguous provisions and also strengthen the Board's ability to discipline Dr. Greenhouse should she violate the terms of the settlement agreement.

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

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JODI PARKS, M.D., BME CASE NO. 13-34161-1

- Edward O. Cousineau, J.D., Deputy Executive Director

Dr. Parks was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Cousineau outlined the allegations contained in the Complaint filed against Dr. Parks and the terms of the proposed settlement agreement.

Dr. Neyland moved that the Board accept the settlement agreement. Dr. Chowdhry seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. AMIR YAZDANSHENAS, M.D., BME CASE NO. 13-38510-1

- Edward O. Cousineau, J.D., Deputy Executive Director

Dr. Yazdanshenas was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Cousineau outlined the allegations contained in the Complaint filed against Dr. Yazdanshenas and the terms of the proposed settlement agreement.

Discussion ensued regarding whether the proposed settlement terms were appropriate under the facts of the case.

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

Agenda Item 17

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. EDWARD ZIMMERMAN, M.D., BME CASE NO. 12-11216-1

- Erin L. Albright, J.D., Deputy General Counsel

Dr. Zimmerman was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Zimmerman and the terms of the proposed settlement agreement.

Dr. Hardwick moved that the Board accept the settlement agreement. Dr. Neyland seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 18

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. STEVEN HOLPER, M.D., BME CASE NO. 13-8552-1

- Erin L. Albright, J.D., Deputy General Counsel

Dr. Holper was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Ms. Albright outlined the facts of the case, the allegations contained in the Complaint filed against Dr. Holper and the terms of the proposed settlement agreement.

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

Agenda Item 19

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DOUGLAS SEIP, M.D., BME CASE NO. 12-6513-1

- Erin L. Albright, J.D., Deputy General Counsel

Dr. Seip was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Seip and the terms of the proposed settlement agreement.

Dr. Rodriguez moved that the Board approve the settlement agreement as written. Dr. Chowdhry seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KEVIN THORN, P.A.-C*, BME CASE NO. 12-25047-1

- *Erin L. Albright, J.D., Deputy General Counsel*

Mr. Thorn was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Ms. Albright outlined the allegations contained in the Complaint filed against Mr. Thorn and the terms of the proposed settlement agreement.

Dr. Neyland moved that the Board approve the settlement agreement as written. Dr. Chowdhry seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 21

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. THEODORE THORP, M.D.*, BME CASE NO. 12-4518-1

- *Erin L. Albright, J.D., Deputy General Counsel*

This item was not discussed at the meeting.

Agenda Item 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHARLES XELLER, M.D.*, BME CASE NO. 13-10014-1

- *Bradley O. Van Ry, J.D., General Counsel*

Dr. Xeller was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Van Ry outlined the allegations contained in the Complaint filed against Dr. Xeller and the terms of the proposed settlement agreement.

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

Agenda Item 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. THOMAS SANDERS, M.D., BME CASE NO. 13-9584-1

- *Bradley O. Van Ry, J.D., General Counsel*

Dr. Sanders was present with his legal counsel, Hal Taylor, Esq.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Van Ry outlined the facts of the case, the allegations contained in the Complaint filed against Dr. Sanders and the terms of the proposed settlement agreement.

Dr. Hardwick recused himself from consideration of the matter.

Dr. Fischer moved that the Board accept the settlement agreement as written. Dr. Neyland seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 24

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOHN ABBAGO, C.R.T., BME CASE NO. 13-39730-1

- *Bradley O. Van Ry, J.D., General Counsel*

Mr. Abbago was not present.

Dr. Rodriguez named the adjudicating Board members who would be considering the matter.

Mr. Van Ry outlined the facts of the case, the allegations contained in the Complaint filed against Mr. Abbago and the terms of the proposed settlement agreement.

Dr. Berndt moved that the Board accept the settlement agreement. Dr. Fischer seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 25

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GARY LA TOURETTE, M.D.*, BME CASE NO. 12-4399-1

- *Bradley O. Van Ry, J.D., General Counsel*

This item was not discussed at the meeting.

Agenda Item 26

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

26(a) William Hutchison, M.D.

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

Dr. Fischer moved that the Board go into closed session pursuant to NRS 241.030. Dr. Berndt seconded the motion and it passed unanimously.

Upon returning to open session, Dr. Hardwick moved that the Board grant Dr. Hutchison's application for licensure. Dr. Rodriguez seconded the motion and it passed unanimously.

26(b) Irene Barnett, M.D.

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

Dr. Fischer moved that the Board go into closed session pursuant to NRS 241.030. Dr. Berndt seconded the motion and it passed unanimously.

Upon returning to open session, Dr. Berndt moved that the Board grant Dr. Barnett's application for licensure. Dr. Fischer seconded the motion and it passed unanimously.

26(c) Jae Choi, M.D.

Dr. Rodriguez asked Dr. Choi 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. Choi regarding the fact that his Internal Medicine Board Certification lapsed in 2010.

Dr. Choi explained why he allowed his Board Certification to lapse and stated that he had taken the American Board of Internal Medicine Maintenance of Certification Examination in April 2013 but had not yet received the results.

Dr. Rodriguez asked Dr. Choi how he had kept up with his continuing medical education, and Dr. Choi described what he had done in that regard.

Dr. Rodriguez asked Dr. Choi what he planned to do if granted a medical license in Nevada.

Dr. Choi explained that he had joined Caremore Health Plan a year ago as the Medical Director and they had asked him to come to Las Vegas to assume the Regional Medical Director role. As such, his duties will be 50% clinical and 50% administrative.

Dr. Berndt asked Dr. Choi whether he would be amenable to undergo a peer review in the event he did not pass the ABMS exam, and Dr. Choi indicated he would.

Dr. Rodriguez moved that the Board not exercise its discretion to grant Dr. Choi a license by endorsement. Dr. Hardwick seconded the motion and it passed unanimously.

Dr. Rodriguez moved that the Board grant Dr. Choi an unrestricted license contingent upon successful passage of the ABMS exam or a peer review. Dr. Fischer seconded the motion and it passed unanimously.

26(d) David Margraf, M.D.

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

Dr. Rodriguez moved that the Board go into closed session pursuant to NRS 241.030. Dr. Hardwick seconded the motion and it passed unanimously.

Upon returning to open session, Dr. Neyland moved that the Board grant Dr. Margraf's application for licensure. Dr. Fischer seconded the motion and it passed unanimously.

26(e) Halbert Miller, M.D.

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

Dr. Rodriguez moved that the Board go into closed session pursuant to NRS 241.030. Dr. Neyland seconded the motion and it passed unanimously.

Upon returning to open session, Dr. Rodriguez advised Dr. Miller that he had the option to withdraw his application and reapply or let the Board vote on his current application. Dr. Miller stated that he wanted to avoid his application being denied, so if there was a risk of that, he would choose to withdraw.

Dr. Rodriguez moved that the Board grant Dr. Miller's application for licensure. Dr. Berndt seconded the motion and it passed, with Dr. Hardwick voting against the motion and all other Board members voting in favor of the motion.

Agenda Item 27

EXECUTIVE STAFF/STAFF REPORTS

- (a) Consideration and Approval of 2012 Board Annual Report
Douglas C. Cooper, CMBI, Executive Director
- (b) Report on Status of Processing 2013-2015 Biennial Licensure Registration Renewals
Lynnette L. Daniels, Chief of Licensing
- (c) Consideration and Approval of Request for Staff Attendance at Educational Meetings
Douglas C. Cooper, CMBI, Executive Director
- (d) Informational Items - *Douglas C. Cooper, CMBI, Executive Director*

(a) Consideration and Approval of 2012 Board Annual Report

Mr. Cooper provided a brief overview of the contents of the proposed 2012 Annual Report, highlighting the Board's accomplishments, disciplinary actions taken during the year and other statistical information.

Discussion ensued regarding ways the Board could better get information out to the public regarding the work it is doing.

Dr. Rodriguez moved to approve the 2012 Board Annual Report. Dr. Berndt seconded the motion and it passed unanimously.

(b) Report on Status of Processing 2013-2015 Biennial Licensure Registration Renewals

Ms. Daniels reported that of the almost 10,000 renewal records generated, approximately 5,400 had renewed to date.

Dr. Rodriguez moved to accept the report. Dr. Berndt seconded the motion and it passed unanimously.

(c) Consideration and Approval of Request for Staff Attendance at Educational Meetings

Mr. Cooper requested approval for Ms. Daniels to attend the 2013 Annual Meeting of the National Board for Respiratory Care State Licensure Liaison Group on September 21 and 22, 2013, in Olathe, Kansas.

Dr. Fischer moved that the Board approve attendance at the meeting by Ms. Daniels. Dr. Rodriguez seconded the motion and it passed unanimously.

(d) Informational Items

Mr. Cooper advised the Board there is a program with the Federation of State Medical Boards where a member of the Board of Directors takes on a liaison role with several states. The Board's new liaison is Dr. Greg Snyder, who replaces its previous liaison, Ram Singh. If any Board members have questions or ideas, want to serve on committees, etc., Dr. Snyder is the one to contact.

Mr. Cooper apprised the Board that staff had presented the Board's outreach program to UMC, where there were 100 plus attendees, and it was very well received, and also presented to Banner Hospital Systems in Fallon, attended by approximately 30 people. This fall, staff will present to Sunrise Hospital and the Nevada Chapter of the International Association of Special Investigative Units, both in Las Vegas.

Agenda Item 28

LEGAL REPORTS

- Board Litigation Status
 - *Bradley O. Van Ry, J.D., General Counsel*

Mr. Van Ry reported there were currently 90 cases in the Legal Division, 12 of which were presented to the Board for decision at this meeting. There were 9 cases pending the CMT process, 16 awaiting filing of a formal complaint, 7 in which orders of summary suspension had been issued and 37 in which a formal complaint had been filed that were pending hearings, 12 of which were filed subsequent to the last Board meeting. Fifty-one letters of concern were approved by the Investigative Committees at their May meetings and there were 6 miscellaneous legal matters and 2 petitions for judicial review pending. Mr. Van Ry then provided a summary and update on one additional legal matter that was on appeal and a new case that had been filed on June 5.

Agenda Item 29

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 8, 2013 Board Meeting

Dr. Rodriguez moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the March 8, 2013 Board Meeting. Dr. Fischer seconded the motion, and it passed unanimously.

Agenda Item 30

MATTERS FOR FUTURE AGENDA

Mr. Cooper stated the following items would be discussed at the September Board meeting: election of officers, the proposed meeting schedule for 2014, a final report on the 2013 biennial licensure renewals, an update on the new laws from the 2013 legislative session, and a discussion regarding whether Board members should have state email accounts for Board business.

Agenda Item 31

PUBLIC COMMENT

Mr. Cooper stated that Ms. Ruthe was unable to make this meeting due to an emergency, so the plaque purchased to thank her for the work she did with the Board will be sent to her.

Dr. Rodriguez asked whether there were any members of the public who would like to present public comment, and there were none.

Dr. Rodriguez said it had been his pleasure to serve with the Board this past eight years, that he admired each and every Board and staff member for their dedication and professionalism, and it would be a cherished time in his career.

ADJOURNMENT

Dr. Rodriguez adjourned the meeting at 2:02 p.m.

* * * * *