



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, SEPTEMBER 11, 2015 – 8:30 a.m.

Board Members Present

Michael J. Fischer, M.D., President
Theodore B. Berndt, M.D., Vice President
Wayne Hardwick, M.D., Secretary-Treasurer
Beverly A. Neyland, M.D.
Bashir Chowdhry, M.D.
Rachakonda D. Prabhu, M.D.
Sandy Peltyn

Board Members Absent

None

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Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Todd C. Rich, Deputy Executive Director
Erin L. Albright, J.D., General Counsel
Alexia M. Emmermann, J.D., 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
Peter K. Keegan, J.D., Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Michael J. Fischer, M.D., at 8:30 a.m.

Mr. Cousineau took roll call, and all Board members were present. Mr. Cousineau announced there was a quorum.

Mr. Cousineau introduced Peter K. Keegan, J.D., Deputy Attorney General, who had replaced Colleen L. Platt, J.D., as the Board's assigned Attorney General representative. Mr. Keegan provided a brief summary of his background and experience.

Dr. Fischer recognized Deputy Chief of Investigations for the Las Vegas Office, Donald A. Andreas, CMBI, for his long-term service to the Board of over ten years, and Mr. Andreas was presented with a service award pin memorializing the same.

Mr. Cousineau introduced new Administrative Assistant for the Reno office, Norma Perkins, and new Administrative Assistant for the Las Vegas office, Kati Payton.

Agenda Item 2

PUBLIC COMMENT

Dr. Fischer asked whether there was anyone in attendance who would like to present public comment.

Mary Shapiro said it was her understanding that in addition to public reprimands, there are reprimands issued to physicians that are not public.

Mr. Cousineau said he believed Ms. Shapiro was referring to letters of concern, which are confidential by statute, and that he had spoken with Ms. Shapiro about this previously on the phone.

Dr. Fischer stated that all reprimands issued to licensees were public.

Mr. Cousineau explained that letters of concern were disparate from public reprimands; that they were a different form of admonition that the Board has available to it.

Agenda Item 3

APPROVAL OF MINUTES

(a) June 5, 2015 Board Meeting – Open/Closed Sessions

(b) July 16, 2015 Board Meeting – Open Session

Dr. Prabhu moved that the Board approve the Minutes of the June 5, 2015 Board Meeting – Open/Closed Sessions and the Minutes of the July 16, 2015 Board meeting – Open Session. Dr. Chowdhry seconded the motion and it passed unanimously.

Agenda Item 4

CONSIDERATION AND ACTION REGARDING PROPOSED AMENDMENT TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 630

- Request for Authorization to Proceed With the Regulatory Adoption Process to Amend NAC 630.155 to Expand the Scope of Qualifying Courses to Include Courses on Alzheimer's Disease and Other Forms of Dementia

Mr. Rich stated staff was requesting authorization and approval to proceed with the regulatory adoption process to amend NAC 630.155 to expand the scope of qualifying courses relative to Alzheimer's disease and other forms of dementia. This proposed regulation originated from legislative action that took place during the 2015 session. Senate Concurrent Resolution No. 2, sponsored by Senator Dr. Joseph Hardy, encourages the Board of Medical Examiners to incentivize and promote awareness and education of health care providers by approving or requiring, as applicable, continuing education programs that provide primary care physicians and other health care professionals with ongoing education and training regarding recent developments, research and treatments of Alzheimer's disease and other forms of dementia. The proposed regulation addresses the intent of the resolution and provides additional continuing education opportunities for the Board's licensee base. Additionally, the amendment changes the word "class" to "course" throughout the regulation, as staff felt that would be more appropriate.

Dr. Berndt asked for clarification that a licensee would receive double the amount of continuing education credits for these particular courses, and Mr. Rich stated that was the case.

Dr. Berndt asked whether this amendment would require all physicians to take courses in Alzheimer's or dementia, and whether the credits for these courses would qualify as ethics credits.

Mr. Rich stated that licensees would not be required to take these courses, but are encouraged to do so.

Mr. Cousineau added that Senate Bill 196, which also passed during the 2015 legislative session, allows for practitioners to receive an equal amount of credit for continuing education credits related to Alzheimer's disease as for geriatrics and gerontology, excluding ethics. So this proposed regulatory amendment addresses both the Resolution and the Senate Bill.

Discussion ensued regarding whether the regulation could or should be amended to allow credits earned for taking these types of courses to be utilized as ethics credits.

Dr. Prabhu moved that the Board authorize staff to proceed with the regulatory adoption process on the proposed amendment to NAC 630.155. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 5

CONSIDERATION OF REQUEST OF ANDREW S. MARTIN, M.D. FOR MODIFICATION OF THE TERMS OF HIS CURRENTLY EXISTING SETTLEMENT AGREEMENT WITH THE NSBME, SPECIFICALLY TO REMOVE HIS PROBATIONARY STATUS

This item was not discussed at the meeting.

Agenda Item 6

CONSIDERATION OF REQUEST OF KIM A. ADAMSON, M.D. FOR CHANGE FROM COUNTY RESTRICTED LICENSE TO UNRESTRICTED LICENSE PURSUANT TO NRS 630.264

Dr. Adamson explained that he currently held a county restricted license and had been working exclusively in rural areas. Pursuant to statute, after he completed 36 months of full-time practice, he would be eligible to petition the Board for an unrestricted license, and that was why he was before the Board.

Ms. Daniels advised the Board that Dr. Adamson had fulfilled the statutory requirements.

Dr. Berndt asked why Pershing General Hospital did not renew his contract.

Dr. Adamson said he was not given any explanation; they just thanked him for his services. He had no problems there and suspects it was a monetary issue.

Dr. Berndt asked whether Dr. Douglas Vacek was his supervising physician at Pershing General Hospital, and Dr. Adamson stated he was.

Dr. Fischer asked whether Dr. Adamson planned to continue to practice family practice if granted an unrestricted license, and where he planned to practice.

Dr. Adamson said he planned to continue to practice family practice. He said he currently had a prospect with the prison in Lovelock, which he expected to come through, and ultimately he would like to practice in Fallon, where he lives.

Dr. Fischer moved that the Board grant Dr. Adamson an unrestricted license. Dr. Hardwick seconded the motion and it passed unanimously.

Agenda Item 7

CONSIDERATION OF REQUEST OF JEREMY C. BEARFIELD, M.D. TO CHANGE MONITORING PROGRAM

Dr. Bearfield was present in Reno. Lyn E. Beggs, Esq. was present with Dr. Bearfield as his legal counsel.

Ms. Beggs stated they had provided evaluations to the Board for review and requested that the Board go into closed session if Board members had questions regarding those evaluations, due to the sensitive nature of them.

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

Upon returning to open session, Ms. Beggs stated that because of the way the condition on his license was worded, they were asking that Dr. Bearfield be allowed to participate in a different monitoring program sanctioned by the Board. He had been evaluated by two, so there was a little latitude in working with the Board and choosing one.

Discussion ensued regarding whether there would be any issue in allowing Dr. Bearfield to change monitoring programs due to the fact that he was currently under a five-year contract with his current monitoring program.

Dr. Berndt asked whether the new monitoring program would follow the same parameters as the current program.

Ms. Beggs stated she believed it would be a more intensive program, and that the current testing parameters would be maintained.

Dr. Prabhu moved that the Board grant Dr. Bearfield's request to change monitoring programs. Dr. Chowdhry seconded the motion and it passed, with Dr. Neyland voting against the motion and all other Board members voting in favor of the motion.

Agenda Item 8

REPORTS

(a) Investigative Committees

- Consideration of Cases Recommended for Closure by the Committees

Dr. Berndt reported that at its August 21, 2015 meeting, Investigative Committee A considered 125 cases. Of those, the Committee sent 11 cases out for peer review, requested an appearance in 10 cases, issued 37 letters of concern and recommended closure of a total of 58 cases.

Dr. Hardwick moved to approve for closure the cases recommended by Investigative Committee A. Dr. Chowdhry seconded the motion.

Mr. Cousineau requested that Valerie Clark, Public Member, be removed from the report, and Dr. Fischer and Dr. Berndt agreed that her name would be removed.

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

Dr. Neyland reported that at its August 11, 2015 meeting, Investigative Committee B considered 96 cases. Of those, the Committee authorized the filing of a formal complaint in 2 cases, sent 8 cases out for peer review, requested an appearance in 4 cases, issued 28 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up and recommended closure of a total of 53 cases.

Dr. Prabhu moved to approve for closure the cases recommended by Investigative Committee B. Dr. Hardwick seconded the motion and it passed unanimously.

(b) Clark County Medical Society Report

Loretta Moses, Executive Director of the Clark County Medical Society (CCMS), reported that on August 20, CCMS held its Second Annual Residents and Fellows Job Fair. Fifty residents and 21 employers participated, and it was very successful. On September 25 and 26 they will host a candidate campaign school with the Nevada State Medical Association and the AMPAC. She said it is the only one that will be held by the AMPAC in the western region, and CCMS is encouraging any physicians or their spouses who are interested in running for office to attend. On October 12 through 22, CCMS will host its mini-internship program. On September 15, they will have their first full board meeting for their 2015-2016 Board of Trustees and the CCMS standing committees will resume their monthly meetings in September as well. The CCMS' Community Health Public Relations Standing Committee added an education subcommittee with two branches – one for physician education and the other for community education. The physician education branch is working on a great series for 2016, which will kick off in February. CCMS is also holding a couple of social networking opportunities for physicians. It held one the previous evening and is working on another. CCMS is hoping to get the final building permit for its new office building approved in early October. Once they break ground, they will know when the building will be completed.

(c) Washoe County Medical Society Report

No report was presented at this meeting.

Agenda Item 9

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. TIMOTHY D. BECKETT, M.D.*, BME CASE NO. 15-26736-1

Neither Dr. Beckett nor his legal counsel was present.

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

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Beckett 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 10

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SUSAN L. BOYD, M.D.*, BME CASE NO. 13-10054-1

Neither Dr. Boyd nor her legal counsel was present.

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

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Boyd and the terms of the proposed Settlement Agreement.

Dr. Chowdhry moved that the Board approve the Settlement Agreement. Dr. Prabhu seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 11

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HENRY R. LANDSMAN, M.D.*, BME CASE NO. 14-5951-1

Dr. Landsman was present in Reno.

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

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Landsman and the terms of the proposed Settlement Agreement.

Dr. Prabhu moved that the Board accept the Settlement Agreement. Ms. Peltyn seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DOUGLAS S. LYNCH, PA-C*, BME CASE NO. 15-41732-1

Mr. Lynch was not present.

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

Ms. Emmermann outlined the allegations contained in the Complaint filed against Mr. Lynch and the terms of the proposed Settlement Agreement.

Dr. Neyland moved that the Board accept the Settlement Agreement. Dr. Prabhu seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 13

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ARA KESHISHIAN, M.D.*, BME CASE NO. 15-20508-1

Dr. Keshishian was not present.

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

Ms. Emmermann outlined the allegations contained in the Complaint filed against Dr. Keshishian and the terms of the proposed Settlement Agreement.

Dr. Chowdhry moved that the Board accept the Settlement Agreement. Dr. Hardwick seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RITA STARRITT, M.D.*, BME CASE NO. 15-39985-1

Dr. Starritt was not present.

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

Ms. Emmermann outlined the allegations contained in the Complaint filed against Dr. Starritt and the terms of the proposed Settlement Agreement.

Dr. Prabhu moved that the Board accept the Settlement Agreement. Dr. Hardwick seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 15

CONSIDERATION OF REPEALING AND REPUBLISHING THE BOARD'S ADVISORY OPINION REGARDING INDEPENDENT MEDICAL EXAMINATIONS

Mr. Cousineau explained that in 2007, John Hunt, Esq. petitioned the Board on behalf of his client, Dr. Clive Segil, to make a determination as to whether it was the position of the Board of Medical Examiners that independent medical examinations (IMEs) constituted the practice of medicine. On page 2 of the 2007 advisory opinion, it specifically indicates that performance of an independent medical examination on a Nevada patient requires a Nevada medical license. The advisory opinion was prepared by the General Counsel to the Board and the Executive Director at the time. Subsequent to their departure from the Board, he and co-General Counsel to the Board at the time agreed the advisory opinion was erroneous and began giving contrary advice to those who inquired. Mr. Cousineau said he had explained his position to the current General Counsel as well. He stated the reason he is requesting that the 2007 advisory opinion be repealed is that the Board is still receiving inquiries about the advisory opinion and it must be explained that it is erroneous. Additionally, there have been attorneys who have taken this advisory opinion into civil courts and said that because the opposing party's expert wasn't licensed in Nevada, the expert couldn't testify, which has caused some problems. He said the current statute and regulation are very clear that IMEs are available as long as they are accomplished in conjunction or coordination with a Nevada licensee and that the physician is in good standing in his or her jurisdiction. He stated he had been in contact with the Discovery Commissioner in Clark County and offered assistance in educating the courts as to our position.

Mr. Cousineau requested that the Board repeal the 2007 advisory opinion and give staff the authority to prepare a new advisory opinion that is more legally accurate and present it to the Board for approval.

Mr. Cousineau then explained how IMEs are used.

Dr. Hardwick moved that the Board repeal the current advisory opinion concerning IMEs and consider new language. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 16

CONSIDERATION OF APPOINTMENT OF "COMMISSIONER" TO REPRESENT THE BOARD IN COMMISSION ACTIVITIES REGARDING THE INTERSTATE MEDICAL LICENSURE COMPACT

Mr. Cousineau explained that the 2015 Nevada Legislature passed Senate Bill 251, the Interstate Medical Licensure Compact bill, and the Interstate Medical Licensure Compact was now law in 11 states, including Nevada. Each state that is part of the Interstate Medical Licensure Compact must appoint a Commissioner from each member board in the state to serve on the Interstate Commission. Barbara Longo, the Executive Director of the Nevada State Board of Osteopathic Medicine, is the Commissioner for the Board of Osteopathic Medicine. The options available for appointment as Commissioner are a public Board member, a physician Board member or an Executive Director, Executive Secretary or a similar executive. Mr. Cousineau said he thought he would probably be best suited to devote the time required, as meetings will be held in person no less than quarterly for the coming year, in various states, and there is no proxy allowed. A preliminary meeting has been scheduled for September 1 in Chicago to lay a foundation and develop timelines, with the first official meeting of the Interstate Commission scheduled for October 26 and 27 in Chicago, at which the Commission will begin drawing up bylaws, doing some rulemaking, appointing officers, and the like.

Dr. Hardwick moved that the Board appoint Mr. Cousineau as the Commissioner for the Board. Dr. Chowdhry seconded the motion.

Dr. Hardwick asked whether Board members would be allowed to attend the Commission meetings, and Mr. Cousineau stated they would. Meetings are open to the public, and it would certainly be appropriate if a Board member wanted to attend a meeting to see the process. Board members would not be allowed to actively participate, but could certainly offer comment.

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

Agenda Item 17

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Ms. Castagnola reported the current number of open investigative cases was 534 and the current number of cases per investigator was 67. There were 26 peer reviews in the field and 8 peer reviews awaiting assignment.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of cases with the Controller's Office during the second quarter was 7 and the total number of cases written off during the quarter was 2, for a total of \$4,843.14. The total costs outstanding for the quarter was \$101,961.19 and the total fines outstanding was \$19,500.00, for a total outstanding of \$121,461.19. This is the lowest outstanding balance in six years. She reported the total costs collected during the quarter were \$15,964.15.

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the second quarter of 2015. She stated the Board had reduced the renewal fees for the first time and just completed the license renewal period. The total renewal fees collected was \$5,910,000, rounded off. She compared that to 2013, when the Board collected \$5,875,000 in renewal fees, so even though the Board reduced the fees, it collected an additional \$35,000 over the last renewal period, which is due to a growing licensee base. She stated that because we just ended the license renewal period, the Board's assets are high, with the majority held in cash, both in checking and investments, for a total of \$10,287,000, with total assets of \$10,622,000. She stated the total current liabilities were \$5,853,000, representing renewal monies collected to June 30. These monies will be recognized over the next two years. She stated the equity represents the Board's reserves, and the total was \$4,700,000.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the second quarter of 2015. She explained that this shows how the Board is doing compared to its budget. The income was 43.1% more than budget, which is expected at the end of a biennium because the Board has to recognize the entire balance of licensing fees received over the biennium at that time. So that is why this quarter is typically higher than other quarters. The largest figure is Account 401, which is registration fees for M.D.s., and Account 406, application fees for M.D.s, shows the Board received a significant number of new applications during the second quarter. The personnel expenses were at 99.3% of budget and total expenses were at 3.8% over budget, which is very good for a license renewal period. The Board's interest income is trending much higher than we had budgeted, and was 75.7% over budget. The total added to the Board's reserves for the quarter was \$487,000.

Dr. Prabhu asked about the employee health insurance figure, and Ms. Jenkins indicated that staff had projected the figure very high according to anticipated increases; however, the increases were lower than anticipated, and the Legislature passed a bill requiring the Public Employees Benefits Plan to give a one-time credit back for a certain part of the employee health insurance, and that figure was close to the \$40,000 that the Board was under budget.

(d) Legal Division Report

Ms. Albright reported there were currently 74 cases in the Legal Division, 6 of which had been presented to the Board for action at this meeting. There were 9 cases pending the CMT process, 18 cases awaiting filing of a formal complaint, 32 cases in which a formal complaint had been filed that were pending hearings, 5 miscellaneous cases requiring further investigation, etc., and 76 letters of concern were approved by the Investigative Committees at their August meetings. She provided a summary and update regarding the four pending civil court cases in which the Board was currently involved.

(e) Final Report on 2015-2017 Biennial Licensure Registration Renewals

Ms. Daniels reported that renewals began with about 10,800 licensees, and of those, 7,572 M.D.s, 732 physician assistants, 27 perfusionists and 1,417 practitioners of respiratory care renewed, for a total of 9,748 licenses renewed. Of those, 500 renewed on paper. The number of renewals increased substantially over 2013. Additionally, 186 residents renewed their licenses. She thanked all staff involved in the renewal process.

Dr. Hardwick thanked the staff for their hard work during the renewal period.

Agenda Item 18

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 5, 2015 Board Meeting

Dr. Prabhu moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 5, 2015 Board Meeting. Dr. Chowdhry seconded the motion and it passed unanimously.

Agenda Item 19

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Fred Suess, M.D.

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

Dr. Chowdhry asked Dr. Suess what he planned to do if granted a license to practice medicine in Nevada.

Dr. Suess explained that about six months ago, a colleague asked him whether he would be willing to work part-time in Henderson, and he said he would but he didn't have a license in Nevada. So he applied, but the position was filled while he was going through the application process. Since he had already started the process, he decided to follow through with it and if he receives the license, he will look into other opportunities.

Dr. Chowdhry questioned Dr. Suess regarding his affirmative responses to Questions 12 and 12a on his application for licensure.

Dr. Suess explained the circumstances surrounding two of the cases of malpractice that had been filed against him, which resulted in large settlements.

Dr. Chowdhry moved that the Board grant Dr. Suess' application for licensure. Dr. Neyland seconded the motion and it passed unanimously.

(b) Yousef Odeh, M.D.

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

Dr. Berndt asked Dr. Odeh to describe what he had done during the last year and what he planned to do if granted a medical license in Nevada.

Dr. Odeh described his fellowship training and his current practice, and stated he planned to work with a group in Las Vegas. He was hired by the group two months ago and has already relocated to Nevada.

Dr. Berndt asked why he thought he had trouble passing the oral portion of the cardiothoracic surgery boards, and Dr. Odeh explained that he did not know what to expect when he took the oral portion the first time and he was very busy between the first time he took the oral portion and the second. After he found out he didn't pass the second time, he contacted his mentor, who is also the Chief of Cardiac Surgery at UCLA, and went over things with him. He told Dr. Odeh he had the knowledge but wasn't presenting it properly. Dr. Odeh said he had been studying and practicing for his third attempt.

Dr. Berndt questioned Dr. Odeh regarding his affirmative response to Question 12 on his application for licensure.

Dr. Odeh explained the circumstances surrounding the one case of malpractice that had been filed against him.

Dr. Berndt questioned Dr. Odeh regarding his affirmative response to Question 13 on his application for licensure.

Dr. Odeh explained that he was arrested for DUI in 2012 but he was never charged.

Dr. Berndt moved that the Board grant Dr. Odeh an unrestricted license contingent upon successful passage of a peer review. Dr. Prabhu seconded the motion and it passed unanimously.

(c) Bambi Betuel, RRT

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

Dr. Prabhu questioned Ms. Betuel regarding her affirmative response to Question 13 on her application for licensure.

Ms. Betuel described her upbringing and the circumstances surrounding her arrests for DUI in 2004 and 2008.

Dr. Prabhu moved that the Board grant Ms. Betuel's application for licensure. Dr. Chowdhry seconded the motion and it passed unanimously.

(d) Ariella Emunah, M.D.

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

Dr. Neyland stated that Dr. Emunah was applying for licensure by endorsement and questioned Dr. Emunah regarding the fact that she had not passed a major examination within the last 10 years.

Dr. Emunah stated the last major examination she passed was the USMLE, and explained why she did not take the psychiatry boards.

Dr. Neyland asked why she had attended medical school for five years, and Dr. Emunah explained the circumstances.

Dr. Neyland asked what she planned to do if granted a license to practice medicine in Nevada, and Dr. Emunah stated she had not yet made a decision.

Dr. Neyland asked about her current practice.

Dr. Emunah explained she was practicing community psychiatry, and that the counties she works in contract with non-profits to provide mental health services for the community, so she contracts with a couple of those non-profits to provide community mental health.

Ms. Daniels stated the Board had the option to grant Dr. Emunah a license by endorsement or to allow Dr. Emunah to undergo a peer review to satisfy the 10-year requirement, or that Dr. Emunah could take the SPEX.

Dr. Fischer asked Dr. Emunah whether she would be willing to undergo a peer review, and she said that she would.

Dr. Berndt asked Dr. Emunah to describe her practice during the last 12 months, and Dr. Emunah did so.

Dr. Hardwick asked Dr. Emunah whether she ever planned to take the psychiatry boards, and she said she planned to do so next year.

Dr. Hardwick moved that the Board grant Dr. Emunah an unrestricted license contingent upon successful passage of a peer review. Dr. Prabhu seconded the motion and it passed unanimously.

(e) Brent Herron, M.D.

Dr. Herron appeared before the Board on his application for a limited license for residency training.

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

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

Upon returning to open session, Dr. Prabhu moved that the Board grant Dr. Herron a limited license for residency training. Dr. Berndt seconded the motion and it passed unanimously.

(f) Darlicia Alexander, M.D.

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

Dr. Hardwick questioned Dr. Alexander regarding the fact that she responded in the negative to Question 13 on her application for licensure when she should have responded in the affirmative.

Dr. Alexander explained that her husband, who was a police officer, had run her name through the system and came across a warrant for her arrest. He took her to the police station and she turned herself in. She was fingerprinted, but she thought that was just the protocol because there was a warrant. She hired an attorney, who told her the warrant was for writing a bad check in payment of a speeding ticket she received in 1998. She had no idea she had written a bad check. She explained she has always associated this with a speeding ticket because she had never written a bad check and there was never a bad check produced. She said she pled guilty to something she didn't do so she could finish residency without having a problem. She said she has always answered this type of question on applications the same way and had no intent to be dishonest.

Dr. Hardwick stated that Dr. Alexander had not passed a major examination within the last 10 years and her anesthesiology board certification expired in 2014. He asked Dr. Alexander why she did not recertify, and Dr. Alexander described the reasons why. She explained that she had been working in the O.R., she had a prospective job at UMC, and she planned to take the recertification exam in January 2016.

Dr. Hardwick asked whether Dr. Alexander would be willing to undergo a peer review, and she said that she would.

Ms. Daniels explained the peer review process.

Ms. Canady advised the Board that Dr. Alexander had just taken the SPEX but did not yet know whether she had passed.

Ms. Daniels said if Dr. Alexander passed the SPEX, it would meet the examination requirement.

Mr. Cousineau stated if Dr. Alexander passes the SPEX, the peer review will not be necessary.

Dr. Hardwick moved that the Board grant Dr. Alexander an unrestricted license contingent upon successful passage of a peer review. Dr. Chowdhry seconded the motion and it passed unanimously.

(g) Mohamed O. Saleh, M.D.

Dr. Saleh was present in Reno on his application for a change of status from inactive to active. Dr. Saleh's proposed preceptor, Leo Gallofin, M.D., was present in Las Vegas.

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

Dr. Fischer stated he believed Dr. Saleh had made a significant effort to do all the things the Board had asked him to do. He asked Dr. Saleh to explain what he planned to do if the Board granted his request for a change of status.

Dr. Saleh explained that he was hoping to be hired by the southern Nevada Community Health Association to see patients and, in his free time, work on two books.

Dr. Gallofin described the proposed preceptor plan with Dr. Saleh.

Dr. Fischer moved that the Board grant Dr. Saleh's request for a status change to active, with the condition that Dr. Saleh complete his six-month preceptorship with Dr. Gallofin, and that Dr. Saleh return to the Board to request that the condition be lifted and he receive a full, unrestricted license.

Mr. Cousineau said he wanted to make clear that the license the Board would be issuing would be available for use only at Dr. Gallofin's facility and that Dr. Saleh would not be able to practice outside Dr. Gallofin's facility.

Dr. Gallofin stated he was agreeable to that and that he had communicated the same to Dr. Saleh previously.

Dr. Saleh stated he understood.

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

Agenda Item 20

CONSIDERATION OF HOLDING DECEMBER 2015 QUARTERLY BOARD MEETING IN LAS VEGAS, NEVADA

Mr. Rich explained that in investigating the fiscal impact of holding a meeting in southern Nevada, he looked at three possible hotels that would potentially meet the Board's needs which were middle-of-the-road in price. He thanked Ms. Peltyn for her assistance with that. He explained that typically, the Board spends a little under \$2,000.00 to fly Board members to Reno for a meeting. The cost of flying 13 Board members and staff to Las Vegas, with a one-night's stay and the room and facilities is estimated to be between \$7,500.00 and \$9,000.00. He said that he and Mr. Cousineau had looked at the three sites and, of those, the Renaissance was the one they would recommend because it is close to the airport and there is no casino attached to it. However, it was up to the Board to decide.

Mr. Cousineau also thanked Ms. Peltyn for her assistance.

Discussion ensued regarding which of the three potential locations would be the best in which to hold the Board meeting.

Discussion ensued regarding how other state agencies handle their meetings when alternating locations.

Dr. Hardwick moved that the Board hold the December quarterly Board meeting at the Westgate Las Vegas Resort & Casino. Dr. Chowdhry seconded the motion and it passed unanimously.

Agenda Item 21

CONSIDERATION AND APPROVAL OF PROPOSED 2016 MEETING SCHEDULE

Mr. Cousineau noted that the proposed meeting schedule indicated the December meeting would be held in Las Vegas, in anticipation that this will become the standard course, and not just a one-time thing. He asked that the Board approve the proposed meeting schedule absent any conflicts any Board members may have.

Dr. Prabhu moved that the Board accept the proposed meeting schedule. Dr. Chowdhry seconded the motion and it passed unanimously.

Agenda Item 22

STAFF COMMENTS/UPDATES

Mr. Rich reported that in conjunction with the Board's authorization to enter into a new lease for the Las Vegas office, staff was able to negotiate some improvements to the office. The contractor put in new bathrooms and an additional office for the staff. A new phone system has recently been installed at the Reno office and all Reno staff members now have their own unique phone numbers instead extensions; however we retained the same main number.

Mr. Cousineau advised the Board that Dr. Berndt and Mr. Rich would be traveling to Washington, D.C. the first week in October for the FSMB Tri-Regulator Symposium, Ms. Albright would be attending the FARB annual meeting in Denver, Colorado, the first week in October, he would be attending the first Interstate Commission meeting in late October, Ms. Emmermann and he would be attending the FSMB Attorney Workshop in Las Vegas in mid-November and Ms. Ward would be attending initial CMBI training. Ms. Castagnola added that she would be attending the National Board for Respiratory Care meeting in Olathe, Kansas, in two weeks.

Agenda Item 23

MATTERS FOR FUTURE AGENDAS

Mr. Cousineau stated the following items would be on the agenda for a future meeting: consideration and approval of the 2016 budget at the December meeting; annual reviews of Board staff at the December meeting; a presentation on the North Carolina Dental Board case; and consideration of modifying the costs for initial registration, and potentially application fees, for new applicants, in line with what the Board did with renewal fees, in an attempt to slow down the continuing increase in the Board's reserve.

Agenda Item 24

ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS

Dr. Hardwick nominated Dr. Fischer for President. Dr. Berndt seconded the nomination and Dr. Fischer was elected President, with Dr. Fischer abstaining and all other Board members voting in favor of the nomination.

Dr. Hardwick nominated Dr. Berndt for Vice President. Dr. Fischer seconded the nomination and Dr. Berndt was elected Vice President, with Dr. Berndt abstaining and all other Board members voting in favor of the nomination.

Dr. Fischer nominated Dr. Hardwick for Secretary-Treasurer. Dr. Berndt seconded the nomination.

Dr. Prabhu nominated Dr. Chowdhry for Secretary-Treasurer. Dr. Neyland seconded the nomination.

A vote was taken on the nomination of Dr. Hardwick, and it failed, with Dr. Fischer, Dr. Berndt and Dr. Hardwick voting in favor of the nomination and Dr. Neyland, Dr. Chowdhry, Dr. Prabhu and Ms. Peltyn voting against the nomination.

A vote was taken on the nomination of Dr. Chowdhry, and it passed, with Dr. Neyland, Dr. Chowdhry, Dr. Prabhu and Ms. Peltyn voting in favor of the nomination and Dr. Fischer, Dr. Berndt and Dr. Hardwick voting against the nomination. Dr. Chowdhry was elected Secretary-Treasurer.

Dr. Fischer reappointed Dr. Berndt and appointed Dr. Hardwick to Investigative Committee A and said he will appoint one of the new public Board members to Investigative A once the Governor has appointed them to the Board. Dr. Fischer reappointed Dr. Neyland, Dr. Chowdhry and Ms. Peltyn to Investigative Committee B.

Agenda Item 25
PUBLIC COMMENT

Dr. Fischer asked whether there was anyone in attendance who would like to present public comment. No public comment was received.

Agenda Item 26
ADJOURNMENT

Dr. Berndt moved to adjourn the meeting. Dr. Chowdhry seconded the motion and it passed unanimously. Dr. Fischer adjourned the meeting at 1:42 p.m.

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