

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Suite 301
Reno, NV 89502-2144

Rachakonda D. Prabhu, M.D.
Board President



Edward O. Cousineau, J.D.
Executive Director

*** * * MINUTES * * ***

OPEN SESSION BOARD MEETING

Held in 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

and videoconferenced to

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

WEDNESDAY, FEBRUARY 7, 2018 – 12:00 NOON

Board Members Present at Board Office in Las Vegas

Rachakonda D. Prabhu, M.D., President
Ms. Sandy Peltyn
Victor M. Muro, M.D.

Board Members Present at Board Office in Reno

None

Board Members Present by Telephone

Mr. M. Neil Duxbury, Secretary-Treasurer
Ms. April Mastroluca
Michael C. Edwards, M.D., FACS
Weldon Havins, M.D., J.D.

Board Members Absent

Wayne Hardwick, M.D., Vice President
Aury Nagy, M.D.

Staff/Others Present at Board Office in Reno
Edward O. Cousineau, J.D., Executive Director
Jasmine K. Mehta, J.D., Deputy Executive Director
Aaron Bart Fricke, J.D., Deputy General Counsel
Donald K. White, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems

Staff/Others Present at Board Office in Las Vegas
Robert Kilroy, J.D., General Counsel
Pamela J. Castagnola, CMBI, Chief of Investigations

Staff/Others Present by Telephone
Henna Rasul, J.D., Senior Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Rachakonda D. Prabhu, M.D., at 12:01 p.m.

Mr. Cousineau took roll call of the Board members present at the Board offices and those present via telephone. Board members not present were Wayne Hardwick, M.D., Vice-President, and Aury Nagy, M.D. Mr. Cousineau announced there was a quorum.

Agenda Item 2

PUBLIC COMMENT

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

Agenda Item 3

CONSIDERATION OF REQUEST TO ESTABLISH A SUBCOMMITTEE TO ADDRESS R100-17, THE PROPOSED REGULATION REGARDING DISCIPLINARY MEASURES REQUIRED TO BE IMPLEMENTED BY ASSEMBLY BILL 474 (2017), AND TO DISCUSS AND ADDRESS RECOMMENDATIONS TO THE NEVADA STATE BOARD OF PHARMACY REGARDING POTENTIAL REGULATIONS FOR THE IMPLEMENTATION OF ASSEMBLY BILL 474 (2017)

Ms. Mehta stated a workshop was held on January 3 on proposed regulation R100-17, which is the proposed disciplinary regulation for enforcement of Assembly Bill (AB) 474, which mandated the Boards to adopt disciplinary regulations pursuant to the Bill. There were concerns raised at the workshop regarding the proposed language of the disciplinary regulation, and also regarding the language in AB 474 and how to comply with AB 474. Several people who spoke at the workshop proposed a working group or a subcommittee, and as a result, we are proposing a subcommittee comprised of various Board members and stakeholders who have expressed an interest in serving on the subcommittee. Because the subcommittee would make recommendations to the parent body, it would be required to comply with the Open Meeting Law pursuant to NRS Chapter 241. So, even though there may be more individuals who have expressed interest in serving on the subcommittee than we could accommodate, meetings of the subcommittee will be publicly noticed,

subject to the Open Meeting Law, and will afford an opportunity for the public to comment and participate in that manner.

Dr. Muro moved that the Board establish a subcommittee, as previously discussed, to address the proposed regulation and measures the Board is required to implement regarding AB 474, and additionally, that the subcommittee be tasked to address recommendations to the State Board of Pharmacy regarding regulations for implementation of AB 474. Ms. Peltyn seconded the motion.

Dr. Havins asked about the size and composition of the subcommittee.

Ms. Mehta stated there were stakeholders who have expressed interest from medical associations, from the insurance industry, from Emergency Medicine, Oncology, Psychiatry and Hospice, and at this point we are anticipating over a dozen subcommittee members.

Dr. Havins asked whether the number of Board members on the subcommittee would be limited to less than that for a quorum.

Ms. Rasul stated there was no rule, per se. Typically when subcommittees are created, they have their own body per the Open Meeting Law, but there is no rule with respect to how many members of the larger body can be on the subcommittee.

Ms. Mehta stated four Board members have expressed interest in serving on the subcommittee – Dr. Edwards, Dr. Muro, Ms. Mastroluca and Dr. Hardwick, and that Dr. Prabhu has ratified the participation of those particular Board members.

Dr. Muro stated he did not think a quorum was needed because the subcommittee's recommendations would be presented to the full Board, which would then require a quorum at that point. Additionally, it would be onerous to include all Board members on the subcommittee and would decrease the ability of the subcommittee to function effectively, just based on scheduling and timing.

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

Agenda Item 4 PUBLIC COMMENT

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

Robert Pretzlaff M.D., Chief Physician Executive for Dignity Health Nevada, offered to serve on the subcommittee.

Dr. Havins said he had a question regarding how the remaining, non-Board member, members of the subcommittee would be chosen, and said he would address that to Mr. Cousineau in a separate communication, as discussion of the formation of the subcommittee had been concluded.

Dr. Muro said that Ms. Peltyn would also like to participate as a subcommittee member.

Mr. Cousineau explained that even if an individual is not a member of the subcommittee, he or she will still have the ability to actively participate in the process by offering comment at subcommittee meetings, and his or her comments and contributions will be documented.

Agenda Item 5
ADJOURNMENT

Ms. Peltyn moved to adjourn the meeting. Dr. Muro seconded the motion, and it passed unanimously. Dr. Prabhu adjourned the meeting at 12:15 p.m.

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