

AGENDA ITEM 3

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Victor M. Muro, 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
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

and Videoconferenced to

the Conference Room at the Offices of the
Nevada State Board of Medical Examiners
9600 Gateway Drive, Reno, Nevada 89521

FRIDAY, SEPTEMBER 10, 2021 – 8:30 a.m.

Board Members Present

Victor M. Muro, M.D., President
Aury Nagy, M.D., Vice President
Ms. Maggie Arias-Petrel, Secretary-Treasurer
Bret W. Frey, M.D.
Chowdhury H. Ahsan, M.D., Ph.D., FACC
Ms. Pamela J. Beal
Col. Eric D. Wade, USAF (Ret.)
Nicola (Nick) M. Spirtos, M.D., F.A.C.O.G.

Board Members Present but Not Participating

Carl N. Williams, Jr., M.D., FACS

Board Members Absent

None

Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Sarah A. Bradley, J.D., MBA, Deputy Executive Director
Donya Jenkins, Finance Manager
Robert Kilroy, J.D., Senior Deputy General Counsel
Aaron Bart Fricke, J.D., Senior Deputy General Counsel
Donald K. White, J.D., Deputy General Counsel
Brandee Mooneyhan, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Ernesto Diaz, Chief of Investigations
Lynnette Daniels, Chief of Licensing
Rosalie Bordelove, J.D., Chief Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Victor M. Muro, M.D., at 8:36 a.m.

Dr. Muro introduced new Board members Chowdhury H. Ahsan, M.D., Ph.D., FACC, Ms. Pamela J. Beal, Col. Eric D. Wade, USAF (Ret.), and Nicola (Nick) M. Spirtos, M.D., F.A.C.O.G., and began the roll call with them.

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

Agenda Item 2

PUBLIC COMMENT

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

Agenda Item 3

APPROVAL OF MINUTES

(a) June 4, 2021 Board Meeting – Open Session

(b) July 9, 2021 Board Meeting – Open Session

Dr. Nagy moved that the Board approve the Minutes of the June 4, 2021 Board Meeting – Open Session and the July 9, 2021 Board Meeting – Open Session. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 4

CONSIDERATION AND APPROVAL OF FY 2020 ANNUAL AUDIT BY CASEY NEILON

Nicola Neilon, CPA, of Casey Neilon, stated the Independent Auditor's Report was an unmodified opinion, which is the highest level of assurance that auditors can provide on a set of financial statements, and explained this basically states that the financial statements were presented fairly in all material respects. She stated it was a good year with regard to the operations of the Board.

Ms. Neilon then highlighted the information contained in the financial statements. Total current assets were \$3.66 million and total noncurrent assets were \$3.4 million. She explained those were primarily the Board's building and equipment. Total current liabilities were \$2.7 million and noncurrent liabilities were \$6.6 million, and the Board's net position was a negative \$1.77 million. She explained that although it sounds less than ideal, it was an increase from the prior year, when the net position was a negative \$2.17 million, so the Board was in a better position this year. She explained that primarily, the negative net position was attributable to the pension liabilities and other post-employment benefits liabilities, which are liabilities that the Board funds over time through its payments to the PERS retirement system and the PEBS system. These are not items the Board must pay for out of its current operating budget.

Ms. Neilon explained the Board's assets, at \$7.084 million, were down from the prior year of \$10.2 million; however, the Board's liabilities were also down, from \$13 million the prior year to \$9.3 million this year, which is attributable to the Board's licensing cycle. She stated the Board's assets are primarily in cash and cash equivalents, so they are very liquid, aside from the building. The Board's liabilities are primarily in pensions and other post-employment benefits, as well as the deferred revenue from licensing fees. The Board's operations this year added \$397,000 to its net assets.

Ms. Neilon stated licensing fees for the year were \$4.3 million. The actual license fees were down slightly, but application fees were up, and total operating revenues were \$5.3 million. Operating expenses were \$4.9 million, with the personnel expenses down from the prior year by about \$200,000 and operations were down by about \$400,000. Operations were \$331,000 under budget, and \$385,000 over the prior year. So, it was a good year for the Board.

Ms. Neilon thanked Ms. Jenkins and her staff for all the assistance they provided throughout the audit, and said it was a very smooth process. She said she had nothing to report to the Board, there were no internal control findings, no compliance findings, no new standards implemented this year, and the most significant estimates on the Board's financial statements revolved around the liabilities for the pension and other post-employment benefits and the deferred revenue from licensing fees.

Dr. Frey moved that the Board approve the audit. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 5

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JON L. SIEMS, M.D.*, BME CASE NO. 19-13009-2

This matter was not discussed at the meeting.

Agenda Item 6

CONSIDERATION OF REVOCABLE DELEGATION AND AUTHORIZATION BY THE BOARD TO THE GENERAL COUNSEL OF THE BOARD TO DEFEND THE BOARD'S FINDINGS, CONCLUSIONS, ORDERS AND ACTIONS IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JON L. SIEMS, M.D.*, BME CASE NO. 19-13009-2, IN ANY CIVIL OR CRIMINAL PROCEEDING, STATE OR FEDERAL, THAT IMPLICATES THE BOARD'S ADJUDICATION OF THIS CASE, TO PARTICIPATE IN, DEFEND AGAINST, OR TO INITIATE ON ITS BEHALF ANY PETITION FOR JUDICIAL REVIEW OR APPEAL THEREFROM, TO FILE A NOTICE OF APPEAL OR STATEMENT OF INTENT TO PARTICIPATE ON ITS BEHALF, TO NEGOTIATE AND SETTLE CLAIMS ON ITS BEHALF, AND TO TAKE COMPARABLE ACTIONS AND MAKE COMPARABLE DECISIONS ON ITS BEHALF

This matter was not discussed at the meeting.

Agenda Item 7

REPORTS

(a) Investigative Committees

Dr. Frey reported that at its August 20, 2021 meeting, Investigative Committee A considered 112 cases. Of those, the Committee authorized the filing of a formal complaint in 11 cases, sent 13 cases out for peer review, requested an appearance in 8 cases, issued 26 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 52 cases.

Dr. Muro reported that at its August 30, 2021 meeting, Investigative Committee B considered 130 cases. Of those, the Committee authorized the filing of a formal complaint in 9 cases, sent 24 cases out for peer review, requested an appearance in 14 cases, issued 22 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up, reviewed 1 case for compliance, and recommended closure of a total of 58 cases.

(b) Nevada State Medical Association

No report was presented at the meeting.

(c) Clark County Medical Society

Amber, Carter, Executive Director of the Clark County Medical Society (CCMS), reported that CCMS would be holding a Resident Job Fair on November 9, 2021, and a Resident Poster Competition in January 2022, and it is also supporting the Get the Vax Campaign.

(d) Washoe County Medical Society

Mary Ann McCauley, Executive Director of the Washoe County Medical Society (WCMS), reported that WCMS' Annual Meeting went very smoothly from live to virtual, due to smoke and COVID. She said that WCMS is currently focused on membership, which is growing in small increments, but they want it to grow in larger increments. WCMS held a live event the previous evening at the Bartley Regional Park. At that event, WCMS partnered with the Nevada Physicians Wellness Coalition, and they honored one of WCMS' retired members, Dr. Tim Coughlin, for his

work in addition among his colleagues and peers. WCMS is working with the Clark County Medical Society and the Nevada State Medical Association on an ad hoc committee to look at dues structures. She said the WCMS membership stands at about 400 active members, with a pretty healthy student membership, and it has also been gaining some new residents.

Agenda Item 8

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SALVADOR GARCIA BORROMELO, M.D.*, BME CASE NO. 21-12423-1

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Borromeo alleging three violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Nagy moved that the Board approve the proposed Settlement Agreement. Mr. Wade seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other adjudicating Board members voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CRISPINO SANTOS, M.D.*, BME CASE NO. 21-11729-1

John A. Hunt, Esq. was present as Dr. Santos' legal counsel.

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Santos alleging two violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Frey moved that the Board approve the proposed Settlement Agreement. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. ROBERT JOSEPH WEBB, PA*, BME CASE NO. 21-130-1

Kathleen T. Janssen, Esq. was present as Mr. Webb's legal counsel.

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

Mr. Fricke stated a formal Complaint had been filed against Mr. Webb alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Ahsan moved that the Board approve the proposed Settlement Agreement. Dr. Muro seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. RANDY HITT BUTLER, M.D.*, BME CASE NO. 21-8922-1

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

Ms. Mooneyhan stated a formal Complaint had been filed against Dr. Butler alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Nagy moved that the Board approve the proposed Settlement Agreement. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. ROGER ESTEVEZ, M.D.*, BME CASE NO. 21-34603-1

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

Ms. Mooneyhan stated a formal Complaint had been filed against Dr. Estevez alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Ahsan moved that the Board accept the proposed Settlement Agreement. Dr. Muro seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. KATRINA NIKOLE HASLETT, M.D.*, BME CASE NO. 21-34045-1

This matter was not discussed at the meeting.

Agenda Item 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BYRON LEONARD PERKINSON, M.D.*, BME CASE NO. 21-39567-1

This matter was not discussed at the meeting.

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. IPPEI TAKAGI, M.D.*, BME CASE NO. 21-42975-1

This matter was not discussed at the meeting.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ROBERT JAY FUTORAN, M.D.*, BME CASE NO. 21-9314-1

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

Mr. White stated a formal Complaint had been filed against Dr. Futoran alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement. He stated that the amount of costs and expenses stated in the proposed Settlement Agreement was incorrect, and that it should be \$1,415.89.

Mr. Wade moved that the Board approve the proposed Settlement Agreement. Dr. Frey seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. WILLIAM JUDD LLOYD, M.D.*, BME CASE NO. 21-6457-1

John A. Hunt, Esq. was present as Dr. Lloyd's legal counsel.

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

Mr. White stated a formal Complaint had been filed against Dr. Lloyd alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Ms. Arias-Petrel moved that the Board approve the proposed Settlement Agreement. Dr. Ahsan seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. JOSE HIRAM AL VAREZ, M.D.*, BME CASE NO. 21-28177-1

John A. Hunt, Esq. was present as Dr. Alvarez' legal counsel.

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Alvarez alleging three violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Muro moved that the Board approve the proposed Settlement Agreement. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. JOSE HIRAM ALVAREZ, M.D.*, BME CASE NO. 21-28177-2

This matter was not discussed at the meeting.

Agenda Item 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LOUISE MITSUKO BAARTZ, RRT*, BME CASE NO. 21-50482-1

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

Mr. Kilroy stated a formal Complaint had been filed against Ms. Baartz alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Ms. Arias-Petrel moved that the Board accept the proposed Settlement Agreement. Dr. Ahsan seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other 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. CLAUDE ROOFIAN, M.D.*, BME CASE NO. 21-40701-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Roofian alleging three violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Dr. Nagy moved that the Board approve the Settlement Agreement. Dr. Frey seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other adjudicating Board members voting in favor of the motion.

Agenda Item 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MARK JASON ROSEN, M.D.*, BME CASE NO. 20-30921-1

This matter was not discussed at the meeting.

Agenda Item 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOSIAH ERWIN SMITH, PA-C*, BME CASE NO. 21-40701-1

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

Mr. Kilroy stated a First Amended Complaint had been filed against Mr. Smith alleging two violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement.

Mr. Wade moved that the Board approve the Settlement Agreement. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other adjudicating Board members voting in favor of the motion.

Agenda Item 24

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that between June 3 and September 7, 2021, the Investigations Division had received approximately 379 complaints. Of those, 235 cases were opened as formal investigations, 50 were determined not to be not under the Board's jurisdiction, 56 were referred to other agencies and regulatory bodies, 21 were resolved through proactive measures, and 17 were either duplicate complaints or were still pending review.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total amount in collections with the State Controller's Office for the second quarter of 2021 was \$45,951 and there were no collections written off during the quarter. The total costs outstanding at the end of the quarter were \$33,568, the total fines outstanding were \$12,749, and the total costs collected during the quarter were \$30,750.

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the second quarter of 2021. She stated that it had been a great quarter for the Board and had been a very successful renewal cycle. The Board had used its new software for online renewals this year, which made a big difference, and the total amount received in renewal fees was \$8.2 million. She explained the reason these fees were sitting in the current liabilities section of the Balance Sheet was because they will be deferred over the next two years, and the Board will recognize one-quarter of them each quarter over the next two years. The Board's total current assets were almost \$10 million and the total assets were \$14.5 million. The Board's change in net position for the year was \$824,116,

which is a positive change in net position for the year. The Board's total liabilities and net position were \$14.5 million, and the Board's reserves are now over five months.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the second quarter of 2021. Total income for the quarter was better than budget by 12.8%, personnel expenses were at 84.3% of budget, total operating expenses were at 83.8% of budget, and the total positive change in net position was \$426,635.

Ms. Jenkins thanked Ms. Daniels and her staff. She said they do an incredible job and work with the Finance staff very closely, especially during renewal periods, to accomplish that monumental task.

Ms. Arias-Petrel thanked Ms. Jenkins for doing an amazing job and said she was very happy to see how well everything is running.

(d) Legal Division Report

Ms. Bradley reported that since the last Board meeting, 22 formal Complaints and 2 Orders of Summary Suspension had been filed, and 179 cases were pending in the Legal Division, now that 11 cases had been resolved by the Board at this meeting.

Dr. Nagy thanked Ms. Bradley and Mr. Diaz for doing such a good and efficient job in putting the information together for both Investigative Committee and Board meetings.

(e) Report on Status of Processing 2021-2023 Biennial Licensure Registration Renewals

Mr. Cousineau reported that the 2021 renewals period officially ended on August 19, 2021. He explained that Governor Sisolak's Emergency Directive 011 was put into place in April 2020, and was amended by Emergency Directive 046, which provided that the prohibition against regulatory Boards expiring licenses would be lifted 31 days from the date of that Directive. Emergency Directive 046 was issued on July 20, 2021, so the licenses of those licensees who did not renew by August 19 were expired on August 20, 2021, and the statutory reinstatement period is now in effect. The waivers authorized pursuant to Directive 011, which allow out-of-state practitioners to practice in the state if they meet specific requirements, are still in effect, and we do not have any information as to when that might be modified or terminated.

Ms. Daniels provided comparative renewal statistics between 2019 and 2021, which showed growth in all licensure categories over the last two years. She then thanked the Licensing Division team for all their hard work.

Agenda Item 25

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 4, 2021 Board Meeting

Dr. Frey moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 4, 2021 Board Meeting. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 26

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE

(a) Eli Schneck, M.D.

Dr. Schneck was present with his legal counsel, Lyn E. Beggs, Esq.

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

Mr. Wade moved that the Board go into closed session, pursuant to NRS 241.030. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spiritos abstaining from the vote and all other Board members voting in favor of the motion.

Upon returning to open session, Dr. Nagy moved that the Board grant Dr. Schneck's application for licensure. Dr. Frey seconded the motion, and it passed, with Dr. Ahsan and Dr. Spiritos abstaining from the vote and all other Board members voting in favor of the motion.

(b) Dhaval Jasvantbhai Shah, M.D.

Dr. Shah was present with his legal counsel, Crane Pomerantz, Esq. and Johnathon Fayeghi, Esq.

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

Dr. Frey stated that Dr. Shah had not been actively licensed in Nevada or practiced clinical medicine in Nevada for almost a year-and-a-half, and his license was revoked in August of 2020.

Dr. Frey asked Dr. Shah whether he had been practicing in any other state, and Dr. Shah said he had not.

Dr. Frey asked Dr. Shah what he intended to do to tailor his practice to mitigate future risk to the citizens of Nevada, should the Board grant him a new license.

Dr. Shah explained that he will not have a private practice; he will only be working in hospitals.

Dr. Nagy said it is common practice at a lot of hospitals for Infectious Disease physicians, as well as physicians in other specialties, to coordinate a relationship with the Internal Medicine physicians so they are essentially rounding on and consulting on all the patients in the hospital, whether or not they have an infectious disease, and asked Dr. Shah for his thoughts on those types of relationships.

Dr. Shah stated he has good relationships with many Internal Medicine physicians, not just in the hospital, but also in the private sector.

Dr. Frey asked Dr. Shah whether he was currently board certified, and Dr. Shah stated he was board certified in Infectious Disease.

Mr. Pomerantz stated that Dr. Shah is a physician who has been humbled by the events over the last 18 months. Dr. Shah understands that he made a mistake, or mistakes, he is extremely contrite, and he asks for the Board's forgiveness; however, he is also a well-educated, experienced physician that has a lot to offer the patients of the State of Nevada.

Dr. Muro said the Board acknowledges that Dr. Shah has a valuable background and is a potential resource in a well-needed area of practice, but there is also concern for what brought Dr. Shah before the Board and that he does not fall into the same pitfalls as before.

Mr. Cousineau stated that should the Board decide to grant Dr. Shah a license, Board staff and Dr. Shah, through his counsel, had come to a mutual agreement as to recommended conditions to be placed on the license, and he had asked Mr. Fricke to outline those for the Board.

Dr. Ahsan asked Dr. Shah whether he thought he had been able to keep up to date with respect to COVID-19 during the time that he had not been practicing, and was ready to return to practice, in the event the Board granted him a license.

Dr. Shah explained that he had kept up to date by taking many CMEs, among other things.

Mr. Fayeghi stated that Dr. Shah had also taken care of COVID-19 patients as a volunteer.

Ms. Arias-Petrel asked Dr. Shah about his status with the Board of Pharmacy.

Dr. Shah explained that the Board of Pharmacy had revoked his license after this Board revoked his license.

Mr. Fricke clarified that Dr. Shah's board certification was currently inactive because he didn't have a license; however, he was board certified. Additionally, Dr. Shah's service on the front lines of COVID-19 occurred at the very beginning of the pandemic. His license was inactive, and he reactivated it so that he could voluntarily engage, and once his license was revoked, he ceased doing so. Mr. Fricke then outlined the following agreed-upon recommended conditions to be placed on Dr. Shah's license, should the Board decide to grant him a one: Dr. Shah will be subject to a term of probation for two years; he will commit no new violations of the Medical Practice Act; and he shall not supervise any physician assistants or collaborate with any nurse practitioners during the probationary period.

Ms. Arias-Petrel moved that the Board grant Dr. Shah a license with the terms as proposed by Mr. Fricke. Mr. Wade seconded the motion, and it passed, with Dr. Frey and Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

Mr. Fayeghi thanked the Board's licensing staff for their hard work and assistance with Dr. Shah's complex application.

(c) Bradley Jay Esterman, M.D.

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

Ms. Arias-Petrel moved that the Board go into closed session, pursuant to NRS 241.030. Dr. Frey seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

Upon returning to open session, Dr. Nagy moved that the Board decline to grant Dr. Schneck a license by endorsement. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

(d) Mark Reza Laftavi, M.D.

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

Dr. Nagy stated that Dr. Laftavi was before the Board that day because he had not taken a major examination in the past 10 years and because he answered affirmatively to Questions 12 and 12(a) on his application for licensure.

Dr. Nagy stated Dr. Laftavi had trained many people in transplant surgery in many institutions, and asked him whether, in serving in that capacity, he had administered any exams in transplant surgery in the last 10 years, and Dr. Laftavi said there is no examination for transplant surgery.

Dr. Nagy asked Dr. Laftavi what he planned to do if granted a license in Nevada.

Dr. Laftavi explained that one of the junior attending physicians whom he worked with in Buffalo is now the chief of the transplant program at University Medical Center in Las Vegas, and has asked him to help develop the program.

Dr. Nagy questioned Dr. Laftavi regarding his affirmative responses to Questions 12 and 12(a) on his application for licensure.

Dr. Laftavi described the circumstances surrounding the three cases of malpractice that had been filed against him in which he had not been the primary surgeon.

Dr. Nagy stated that development of a transplant program is something the State would greatly benefit from and would qualify Dr. Laftavi for licensure by endorsement.

Dr. Ahsan agreed, and said that we need to develop more transplant programs in the state.

Dr. Muro asked Dr. Laftavi how many transplants he averages in a month, and Dr. Laftavi said it was unpredictable – sometimes you don't do any in a week and sometimes you do four in a day.

Dr. Frey moved that the Board grant Dr. Laftavi a license by endorsement. Dr. Nagy seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

(e) Harsha Ghatge Nagaraja, M.D.

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

Ms. Arias-Petrel moved that the Board go into closed session, pursuant to NRS 241.030. Dr. Frey seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

Upon returning to open session, Dr. Frey moved that the Board grant Dr. Nagaraja's application for licensure. Mr. Wade seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

(f) Joseph LeRoy Williams, M.D.

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

Ms. Arias-Petrel questioned Dr. Williams regarding the fact that he responded in the negative to Questions 5 and 6 on his application for licensure when he should have responded in the affirmative.

Dr. Williams explained that when he was filling out the application, he was trying to get pieces of the application and was then circling back, and he thinks he just answered those questions mistakenly. He said had no intention of making a false application.

Dr. Muro asked Dr. Williams to describe the circumstances surrounding the single case of malpractice that had been filed against him, and Dr. Williams did so.

Ms. Arias-Petrel asked Dr. Williams what he planned to do if granted a license in Nevada.

Dr. Williams said he planned to work with Sierra Regional Spine Institute, that serves the Reno-Tahoe area, as well as Winnemucca, Ely and Elko.

Ms. Arias-Petrel moved that the Board grant Dr. Williams' application for licensure. Dr. Ahsan seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

(g) Kamakshi Devarajan, M.D.

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

Dr. Frey moved that the Board go into closed session, pursuant to NRS 241.030. Mr. Wade seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

Upon returning to open session, Mr. Wade moved that the Board grant Dr. Devarajan's application for licensure. Ms. Arias-Petrel seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other Board members voting in favor of the motion.

Agenda Item 27

CONSIDERATION AND APPROVAL OF PROPOSED 2022 MEETING SCHEDULE

Mr. Cousineau stated that the proposed meeting schedule for 2022 followed the previous standard meeting course with two proposed changes. He explained that the June, September and December meetings all seem to fall on the Friday following a holiday weekend, so he was proposing that the June and September meetings be moved ahead one week to allow Board members and staff more time to reconstitute from the holidays. He was, however, recommending that the December meeting remain on the first Friday of the month, due to its proximity to the December holidays. The March and December meetings would be held in Las Vegas and the June and September meetings would be held in Reno. He said the Investigative Committee Chairs had already approved the dates for the Investigative Committee meetings in 2022.

Dr. Nagy moved that the Board approve the proposed 2022 Meeting Schedule. Dr. Frey seconded the motion, and it passed unanimously.

Agenda Item 28

STAFF COMMENTS/UPDATES

Mr. Cousineau stated the Legislative Counsel Bureau Audit of the Board had been ongoing for the past eight months or so, and was still in progress. He said it was his understanding, from the auditors, that they intend to conclude their site survey by the end of the month, but he does not yet know the schedule for the subsequent proceedings.

Agenda Item 29

PUBLIC COMMENT

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

Agenda Item 30

ADJOURNMENT

Dr. Frey moved that the Board adjourn the meeting. Mr. Wade seconded the motion, and it passed unanimously.

Dr. Muro adjourned the meeting at 11:50 a.m.

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