



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, DECEMBER 5, 2014 – 8:30 a.m.

Board Members Present

Michael J. Fischer, M.D., President
Theodore B. Berndt, M.D., Vice President
Valerie J. Clark, BSN, RHU, LUTCF, Secretary-Treasurer
Beverly A. Neyland, M.D.
Bashir Chowdhry, M.D.
Wayne Hardwick, M.D.
Ann Wilkinson
Rachakonda D. Prabhu, M.D.
Sandy Peltyn

Board Members Absent

None

LAS VEGAS OFFICE
Board of Medical Examiners
Building A, Suite 2
6010 S. Rainbow Boulevard
Las Vegas, NV 89118
Phone: 702-486-3300
Fax: 702-486-3301

RENO OFFICE
Board of Medical Examiners
Suite 301
1105 Terminal Way
Reno, NV 89502
Phone: 775-688-2559
Fax: 775-688-2321

Staff/Others Present

Douglas C. Cooper, CMBI, Executive Director
Edward O. Cousineau, J.D., Deputy Executive Director
Erin L. Albright, 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
Colleen L. Platt, 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.

Dr. Fischer recognized License Specialist Brett Canady and Licensing Coordinator Florlinda Grabek for their long-term service to the Board of over ten years, and presented each of them with a service award pin memorializing the same.

Mr. Cooper thanked those who attended the dinner in his honor the previous evening and thanked Dr. Chowdhry for the card he had given him.

Mr. Cooper introduced Todd Rich, the Board's new Deputy Executive Director, and provided a brief summary of his background and experience.

Mr. Cooper advised the Board that the new carpet had been installed on the third floor of the Board office and invited them to attend the Reno office holiday party on December 18. He announced the promotion of Johnna LaRue to Investigator effective December 1. He then explained he had been asked by the Board at the last meeting to invite the medical societies who do not usually attend Board meetings to attend, and provide a report if they so desired, and stated he had done so.

Agenda Item 2

PUBLIC COMMENT

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

Robin Reedy, Operations Director for the Nevada State Medical Association (NSMA), stated that NSMA had submitted to the Board a summary of the physician assistant bill draft request (BDR) that Senator Hardy would be introducing to the Legislature in February, and that NSMA Executive Director Stacy M. Woodbury had discussed the BDR with the Nevada State Board of Osteopathic Medicine, the Physician Assistant Advisory Committee to the Board of Medical Examiners, the Physician Assistant Program Director at Touro University Nevada and

the Nevada Academy of Physician Assistants (NAPA). The Physician Assistant Advisory Committee is in support of the BDR, and NSMA believes it is likely there is support within the Board of Osteopathic Medicine, but has not heard that officially. NAPA does not support the BDR.

Agenda Item 3

APPROVAL OF MINUTES

- (a) September 5, 2014 Board Meeting – Open/Closed Sessions
- (b) September 24, 2014 Board Meeting – Open Session
- (c) October 21, 2014 Board Meeting – Open Session

Dr. Berndt moved that the Board approve the Minutes of the September 5, 2014, September 24, 2014 and October 21, 2014 Board Meetings. Dr. Neyland seconded the motion and it passed unanimously.

Agenda Item 4

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

- Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to Nevada Administrative Code Chapter 630, Amending NAC 630.230 to Add Language Which Makes It Prohibited Professional Conduct to Utilize, or Allow Another Under a Licensee's Direction or Authority to Utilize, a Single-Use Medical Device in More Than One Instance, or on More Than One Patient; or Utilize, or Allow Another Under a Licensee's Direction or Authority to Utilize, a Single-Use Medical Device in a Manner Inconsistent With the Manufacturer's Packaging Instructions or Directions Included With the Medical Device (R057-14)

Mr. Cousineau stated that a public workshop and a public hearing had been held in September. Verbal input was received at both the workshop and hearing, and many written comments had also been received. Both written and verbal submissions were received from the NSMA and the Nevada Hospital Association, and written submissions were received from the Association of Medical Device Reprocessors, the American Association of Orthopaedic Surgeons and Leo Basch, a Pharmacist in Las Vegas. The general consensus from the written and verbal comment received was they supported the regulation in general, but asked that an exception be carved out which would allow single-use devices to be used in more than one instance as long as they are properly reprocessed in accordance with U.S. Food and Drug Administration guidelines. The revised proposed language provided to the Board for consideration includes a paragraph specifically recommended by the representative of the Association of Medical Device Reprocessors. He asked that the Board adopt the revised language as written.

Dr. Hardwick moved that the Board adopt the regulation with the recommended revisions. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 5

CONSIDERATION OF REQUEST OF CAM-TU JONES, M.D. FOR REMOVAL OF CONDITION ON HER MEDICAL LICENSE

Dr. Jones appeared in Las Vegas. John A. Hunt, Esq. was present with Dr. Jones as her legal counsel.

Mr. Hunt explained that pursuant to its Order of December 6, 2013, the Board had placed conditions upon Dr. Jones regarding oversight of her practice, and that upon expiration of the time frame prescribed in the Order, the Board would consider lifting those conditions. He stated Dr. Jones had complied with all conditions and had maintained her American Board of Radiation Oncology certification, and that monthly reports had been submitted to the Board by Dr. Ramez Farah.

Dr. Fischer stated that Dr. Jones had completed her preceptorship, and that as a condition of active licensure, she was required to maintain her American Board of Radiation Oncology certification. He asked whether she agreed to that, and she stated she did.

Dr. Berndt moved that the Board grant Dr. Jones an unrestricted license to practice her specialty. Dr. Neyland seconded the motion.

Mr. Cousineau explained that what the Board needed to do was to grant Dr. Jones a license which lifted the requirement of the preceptorship but was still conditional to the extent that she is required to maintain her ABMS certification.

Dr. Berndt stated he would accept that as an amendment to his motion. He then asked whether Dr. Jones would be required to notify the Board if she wanted to venture beyond her current boutique form of radiation oncology practice.

Mr. Hunt and Mr. Cousineau both stated that was not a requirement pursuant to the Board's Order. Mr. Hunt stated that Dr. Jones would be limited just like any other physician, in that she can't go outside of the scope of her practice, and that he has advised her that if she were to do that, such conduct would be deemed unprofessional conduct.

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

Agenda Item 6

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAVID LYNN PACKER, M.D.*, BME CASE NO. 13-34036-1

Dr. Packer was not present and was not represented by legal counsel.

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

Ms. Platt provided the Board with procedural instruction regarding the adjudication process.

Ms. Platt asked for confirmation that Dr. Packer was served with notice of the adjudication. Ms. Albright described how service was effectuated upon Dr. Packer.

Ms. Wilkinson stated that it appeared the Hearing Officer's decision was primarily based on the evidence presented by two Board staff members and that Dr. Packer did not attend the hearing, despite having received notice of the hearing. She then moved that the Board support the findings of the Hearing Officer.

Ms. Platt asked whether the adjudicating Board members had reviewed the materials related to the matter, and they indicated they had.

Ms. Wilkinson renewed her motion. Dr. Prabhu seconded the motion and it passed unanimously, with all adjudicating members voting in favor of the motion.

Ms. Albright presented the Investigative Committee's recommendations regarding discipline to be imposed in the matter, which included revocation of Dr. Packer's license to practice medicine and that he reimburse the Board its total fees and costs associated with the investigation and prosecution of the matter in the amount of \$4,443.14.

Ms. Wilkinson moved that the Board revoke Dr. Packer's license and require him to pay the total costs and fees in the amount of \$4,443.14. Dr. Neyland seconded the motion. Ms. Wilkinson amended her motion to allow Dr. Packer 60 days to pay the costs and fees. Dr. Neyland seconded the amended motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 7

REPORTS

(a) Investigative Committees

- Consideration of Cases Recommended for Closure by the Committees

Dr. Berndt reported that Investigative Committee A had met and considered 60 cases. Of those, they authorized the filing of a formal complaint in 3 cases, sent 2 cases out for peer review, requested an appearance in 4 cases, issued 7 letters of concern and recommended closure of a total of 42 cases.

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

Dr. Neyland reported that Investigative Committee B had met and considered 66 cases. Of those, they authorized the filing of a formal complaint in 1 case, sent 9 cases out for peer review, requested an appearance in 2 cases, issued 11 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up and recommended closure of a total of 42 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) Investigations Division

(1) Status of Investigative Caseload

Ms. Castagnola reported the current number of open investigative cases was 525 and the current number of cases per investigator was 98. There were 12 peer reviews in the field and 1 peer review awaiting assignment.

(2) Quarterly Compliance Report

Ms. Castagnola reported that a total of \$51,026.42 in costs and \$2,500.00 in fines had been collected during the third quarter of 2014, for a total of \$53,526.42. Since the end of the third quarter to date, an additional \$9,322.77 in costs and no fines had been collected.

Dr. Prabhu moved to accept the Investigations Division reports. Ms. Clark seconded the motion and it passed unanimously.

(c) Nevada State Medical Association Report

No report was provided under this agenda item, as Robin Reedy, Operations Director for NSMA, had addressed the Board during the public comment period under Agenda Item 2, and Dr. Hardwick stated he had nothing to add.

(d) Clark County Medical Society Report

Loretta Moses, Executive Director of the Clark County Medical Society (CCMS), reported that on October 18, the CCMS Board of Trustees held a planning session of Southern Nevada Health Care, which was a prelude to the strategic planning session they held on November 16. On January 21, 2015, CCMS will hold a town hall meeting with Senator Hardy and Assemblyman Oscarson. On February 13, CCMS will co-host with the Nevada Psychiatric Association a CME on the chronic use of prescription opioids. In October, CCMS held a mini-internship program, which was attended by two Board of Medical Examiners employees. CCMS next scheduled mini-internship is scheduled for March 9 through 26, which will include a junior mini-internship program for high school students. Dr. Warren Volker recently performed a live hysterectomy on the show *The Doctors*. The next issue of the Southern Nevada *Business of Medicine* will be coming out at the end of December.

(e) Washoe County Medical Society Report

Jeanie Catterson, Executive Director of the Washoe County Medical Society (WCMS), reported that WCMS had elected its 2015 officers. On January 15, WCMS will host a CME on legal and medical perspectives of medical marijuana at St. Mary's in Reno, moderated by Dr. Andrew Pasternak. The WCMS presidential inaugural dinner and awards ceremony will be held on January 24, at the Atlantis Hotel Resort in Reno. The next WCMS mini-internship program will be held in May; however, the dates have not been secured as yet.

Agenda Item 8

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BOUNGKHONG VANSOMPONE, M.D.*, BME CASE NO. 14-11853-1

Dr. Vansomphone was not 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. Vansomphone 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 9

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DANIEL K. KIM, M.D.*, BME CASE NO. 13-9995-1

Dr. Kim was not 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. Kim and the terms of the proposed Settlement Agreement.

Dr. Hardwick moved that the Board adopt 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 10

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. WILLIAM R. MARANON, M.D.*, BME CASE NO. 14-11447-1

Dr. Maranon was not present. Dr. Maranon's legal counsel, Jeremy Velland, was present in Las Vegas.

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. Maranon and the terms of the proposed Settlement Agreement.

Dr. Prabhu 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 11

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DANA R. MARKS, M.D.*, BME CASE NO. 14-18131-1

Dr. Marks was not present. Dr. Marks' legal counsel, Lyn E. Beggs, Esq., was present in Reno.

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

Ms. Albright explained that an Order of Summary Suspension was filed against Dr. Marks on September 19, 2014, after the Board's Investigative Committee received evidence and information that Dr. Marks had appeared for a scheduled work shift approximately two-and-one-half hours late, in an intoxicated state. Dr. Marks was ordered to undergo an alcohol and drug evaluation, and did submit to that evaluation. After multiple negotiations, a settlement was reached. She then outlined the terms of the proposed Settlement Agreement.

Dr. Chowdhry 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 12

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANDREW S. MARTIN, M.D.*, BME CASE NO. 14-30193-1

Dr. Martin was not present.

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

Ms. Albright explained that an Order of Summary Suspension was filed against Dr. Martin on September 23, 2014, after the Board's Investigative Committee received evidence and information that the Las Vegas Metropolitan Police Department had executed a search warrant on Dr. Martin's personal residence and confiscated multiple illicit drugs. Dr. Martin was ordered to undergo a drug and alcohol evaluation, and did submit to that evaluation. Based on the recommendations contained in the evaluation and after multiple negotiations, a settlement was reached. She then outlined 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 13

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. VICTOR R. BRUCE, M.D.*, BME CASE NO. 14-12252-1

Dr. Bruce was not present. Dr. Bruce's legal counsel, John A. Hunt, Esq., was present in Las Vegas.

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. Bruce. She stated that after the Complaint was filed, Dr. Bruce was convicted of a felony related to the practice of medicine and, therefore, the terms of the Settlement Agreement included a violation of NRS 630.301(1), conviction of a felony relating to the practice of medicine. She then outlined the terms of the proposed Settlement Agreement.

Dr. Hardwick moved that the Board approve the Settlement Agreement. Ms. Peltyn seconded the motion.

Ms. Wilkinson asked for clarification of some of the terms of the Settlement Agreement, and clarification was provided by Ms. Albright.

A vote was taken on 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. JOHN A. ANSON, M.D.*, BME CASE NOS. 13-11582-1 & 14-11582-1

Dr. Anson was not 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. Anson in Case No. 13-11582-1 and the terms of the proposed Settlement Agreement.

Dr. Berndt 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.

Ms. Albright outlined the allegations contained in the Complaint filed against Dr. Anson in Case No. 14-11582-1 and the terms of the proposed Settlement Agreement.

Dr. Hardwick moved that the Board accept the Settlement Agreement. Dr. Berndt 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. VICTOR E. GRIGORYEV GRIGG, M.D.*, BME CASE NO. 12-10569-1

Dr. Grigoryev Grigg was not 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. Grigoryev Grigg and the terms of the proposed Settlement Agreement.

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

Agenda Item 16

CONSIDERATION AND ACCEPTANCE OF VOLUNTARY SURRENDER OF MEDICAL LICENSE OF EMMANUEL ACOSTA, M.D., LICENSE NO. 10462

This item was not discussed at the meeting.

Agenda Item 17

EXECUTIVE STAFF/STAFF REPORTS

(a) Consideration and Approval of Request for Board Member/Staff Attendance at Educational Meetings

Mr. Cousineau described the requests for staff training that were before the Board for approval.

Dr. Prabhu moved that the Board approve the requests for training. Ms. Clark seconded the motion and it passed unanimously.

(b) Briefing on Efforts and Progress of Industry Coalition Against Substance Abuse

Ms. Albright explained that at the beginning of 2014, the Board was asked to participate in the Industry Coalition Against Substance Abuse, and she was designated as the Board's representative in the Coalition. She then named the active participants in the Coalition and stated the Coalition had held one meeting per month since January 2014. She stated the Coalition was formed to address the epidemic of opioid deaths in Nevada. In 2012, the Centers for Disease Control released a report that indicated Nevada had the fifth highest rate per 100,000 people for deaths involving opioid poisoning, and the most recent data shows that is increasing. The Coalition has expressed interest in putting forth legislation that would require all licensees who prescribe controlled substances to enroll in the Board of Pharmacy's Prescription Monitoring Program (PMP) as a condition of receiving their license to prescribe controlled substances. Currently, Nevada's Medical Practice Act requires a licensee who is prescribing controlled substances to a patient to consult the PMP to determine whether the patient is receiving prescriptions from other physicians. Based on this, she expressed that the Board would support the BDR if it was put forth. However, during the November meeting, some of the participants expressed they would not support such legislation, so at this point, it appears no legislation may come out of the Coalition. There will be another meeting in January, and she should be able to provide another update after that.

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the third quarter. She stated the Board was in a strong cash position going into a renewal year. The majority of the Board's assets are held in cash and CDS, and the total was \$6,488,000. The Board's investments were a little higher than they had been in the past because the Board is slowly seeing a little bit of an increase in interest rates for its CDs, and this is a great trend going into a renewal year. The Board's total assets were \$6,766,000, and total liabilities were \$2,955,000, the majority of which was deferred income from the last renewal period, in the amount of \$2,806,000. The Board is not spending above its means and has the cash to support this remaining deferred income. The Board's total equity, which is its reserve, was \$3,810,000.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the third quarter of 2014. She stated the Board's income was at 96.9% of its budgeted revenue. The personnel expense was at 97% of budget and the remaining expenses were at 96% of budget. The Board's interest income was more than double the budgeted amount for the quarter, since the Board is now receiving a little better return on its investments. The net income for the quarter was \$94,294.06, which was returned to the Board's reserve.

Ms. Clark said she wanted to recognize Ms. Jenkins' excellent work. She sits on a lot of boards and committees and has never seen anyone as good as Ms. Jenkins at managing a budget.

Dr. Chowdhry asked about Account 450, Refunded Fees, on the Profit and Loss Budget vs. Actual. Ms. Jenkins explained that at the middle of the biennium, the amount of license registration fees is reduced to half, so any applicants that are in the process of being licensed as of July 1 of the second year who paid the full registration fee prior thereto are refunded half of that fee.

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

Agenda Item 18

LEGAL REPORTS

- Board Litigation Status

Ms. Albright reported there were currently 71 cases in the Legal Division, 10 of which had been presented to the Board for action at this meeting. There were 12 cases pending the CMT process, 4 cases awaiting filing of a formal complaint, 39 cases in which a formal complaint had been filed that were pending hearings, 7 of which were filed subsequent to the last Board meeting, and 14 letters of concern were approved by Investigative Committee B at its November meeting. There were no letters of concern approved at the November meeting of Investigative Committee A. She provided a summary and update regarding the various civil court cases in which the Board was currently involved.

Discussion ensued regarding the costs incurred by the Board related to the civil court matter involving James Tate, M.D.

Agenda Item 19

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the September 5, 2014 Board Meeting

Dr. Neyland moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the September 5, 2014 Board Meeting. Dr. Hardwick seconded the motion and it passed unanimously.

Agenda Item 20

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

The meeting reconvened at 12:30 p.m., prior to the beginning of this Agenda item. There was a quorum present.

20(a) Gilbert S. Tausch, M.D.

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

Dr. Prabhu questioned Dr. Tausch regarding two of the three cases of malpractice that had been filed against him that resulted in settlements, and Dr. Tausch explained the circumstances surrounding them.

Dr. Prabhu asked Dr. Tausch what he did during his fellowship at Stanford University, and Dr. Tausch described his work there.

Dr. Prabhu asked what he planned to do if granted a license in Nevada, and Dr. Tausch stated he planned to practice outpatient neurology in Las Vegas.

Dr. Chowdhry questioned Dr. Tausch regarding the one case of malpractice that was pending against him, and Dr. Tausch explained the circumstances surrounding it.

Dr. Prabhu moved that the Board grant Dr. Tausch's application for licensure. Dr. Hardwick seconded the motion and it passed unanimously.

20(b) Max J. Coppes, M.D.

Dr. Coppes appeared before the Board on his application for licensure by endorsement.

Dr. Fischer asked Dr. Coppes 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 asked Dr. Coppes what he planned to do if granted a license in Nevada.

Dr. Coppes explained that he planned to take a position with Renown Health as Chief Medical and Academic Officer. As such, he will primarily be a senior physician executive who will work with the University of Nevada School of Medicine to develop programs that are recognized as needed in the community, but he would also like to do some clinical work.

Dr. Fischer moved that the Board grant Dr. Coppes a license by endorsement. Dr. Hardwick seconded the motion and it passed unanimously.

20(c) Jim D. Anderson, M.D.

Dr. Anderson appeared before the Board on his application for licensure by endorsement.

Dr. Fischer asked Dr. Anderson 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 questioned Dr. Anderson regarding the fact that he had not practiced clinical medicine since 1998.

Dr. Anderson explained that he retired from clinical practice as a neurosurgeon in 1998. Since that time, he had been performing worker's compensation evaluations and, since 2001, primarily personal injury evaluations, in California, and that is what he planned to do if granted a license in Nevada.

Dr. Berndt moved that the Board grant Dr. Anderson a license by endorsement. Dr. Chowdhry seconded the motion and it passed unanimously.

20(d) John C. Carrozzella, II, M.D.

Dr. Carrozzella appeared before the Board on his application for licensure by endorsement.

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

Dr. Hardwick questioned Dr. Carrozzella regarding his affirmative responses to Questions 5 and 5a on the Uniform Application for Licensure.

Dr. Carrozzella explained the circumstances surrounding the three cases of malpractice that had been filed against him.

Dr. Hardwick asked Dr. Carrozzella when he stopped practicing orthopaedic surgery, and Dr. Carrozzella stated it was in 2010, when his American Board of Orthopaedic Surgery certificate expired.

Dr. Hardwick asked Dr. Carrozzella what he had been doing since he stopped practicing orthopaedic surgery, and Dr. Carrozzella explained that he had done some legal work, some chart reviews and some pain management, but mainly he had been retraining, as he had made an active decision in 2008 to shift the direction of his practice to a wellness-based practice.

Dr. Hardwick asked Dr. Carrozzella about JCMD Medical Services, and Dr. Carrozzella explained that is the business he owns under which he operates his medical practice.

Dr. Hardwick asked what he planned to do if granted a license in Nevada, and Dr. Carrozzella explained he planned to pursue a hormone, nutritional metabolic medicine and wellness practice, and would associate with a physician assistant named Angie Lorenzo.

Dr. Hardwick asked Dr. Carrozzella whether he was aware of Ms. Lorenzo's history with the Board that is on the Board's website.

Dr. Carrozzella stated he was aware of it and had discussed it with Ms. Lorenzo in detail.

Dr. Hardwick asked Dr. Carrozzella for his opinion with regard to those matters and whether he disagreed with the actions taken by the Board.

Dr. Carrozzella said his opinion was that there were a number of circumstances that had arisen and Ms. Lorenzo worked through those and dealt with the Board on a number of things and ended up on probation for a number of items, and that he didn't have all the facts, so he

couldn't agree or disagree with either her or the Board. He said her explanation of the events seemed reasonable given the circumstances and he understood that the Board is doing what it needs to do to look after the welfare of the community of Nevada.

Dr. Hardwick asked if he understood the Board's concern with his association with someone who has an extensive history with the Board, and Dr. Carrozzella stated he did.

Dr. Fischer asked if he was going to take on the responsibility of being the supervising physician for Ms. Lorenzo, and Dr. Carrozzella said he would have to see how things develop and make sure that what remains her scope is within the scope he feels comfortable supervising. He had discussed this with her because she currently does some internal medicine and he told her he is not comfortable supervising an internal medicine practice, whereas if it became an entirely hormone and nutritional metabolic practice, he could then consider it, but until that were to be the case, he wouldn't be able to be her supervisor.

Dr. Hardwick stated he would feel much more comfortable if the Board had a peer assessment from an endocrinologist to determine Dr. Carrozzella's ability to safely treat patients.

Dr. Berndt asked how he was going to market himself to prospective patients, and Dr. Carrozzella stated the main niche he wanted to be in was hormone balance and sexual dysfunction.

Dr. Neyland asked when he would complete the Master's program he was currently enrolled in, and Dr. Carrozzella said he would probably receive his degree next December.

Ms. Clark asked how long he had been practicing this type of medicine, and Dr. Carrozzella said he had been practicing it with increasing frequency since 2010.

Dr. Chowdhry asked about his work history, and Dr. Carrozzella described it.

Dr. Hardwick moved that the Board grant Dr. Carrozzella an unrestricted license pending a peer review from an endocrinologist. The motion did not receive a second.

Mr. Cousineau explained the peer review process and asked Dr. Carrozzella whether he understood that he would be responsible for the costs associated with the peer review. Dr. Carrozzella inquired as to the cost of the peer review. Ms. Daniels explained the costs associated with a peer review and said the hourly rate was up to the physician who would be conducting the peer review. She further described the peer review process and stated if the decision by the peer reviewer was positive, the Board would issue him an unrestricted license, not a license by endorsement, and if the decision was not positive, he would just not be issued a license, with no negative effect.

Dr. Hardwick moved that the Board decline to grant Dr. Carrozzella a license by endorsement and grant him an unrestricted license contingent upon successful passage of a peer review in the specialty of endocrinology. Dr. Fischer seconded the motion and it passed unanimously.

20(e) Daniel P. Brady, D.C., PA-C

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

Ms. Clark questioned Mr. Brady regarding his affirmative responses to Questions 20, 21, 22 and 24 on his application for licensure.

Mr. Brady explained that he had been a chiropractor for close to 15 years. He originally worked in Folsom, California. When the clinic's revenue began declining, he began working for a chiropractor in South Lake Tahoe. The chiropractor's patient base was fibromyalgia patients, and his treatment plan was one he developed himself. The treatment method was a standard-protocol treatment, but his frequency was outside the chiropractic guidelines – it was more frequent than the Chiropractic Board wanted the patients to be treated – and a group of patients were dissatisfied with the treatment and filed complaints with the Chiropractic Board. The chiropractor lost his license and the clinic closed. Mr. Brady opened his own practice in South Lake Tahoe and couldn't make it work, so he took a job in Reno doing worker's compensation reviews, which he didn't really enjoy. So he applied to nursing school and physician assistant school. He started with the nursing program and halfway through it, he was accepted into the physician assistant program, which he completed this May. He voluntarily surrendered his California chiropractic license because while he was practicing on his own in South Lake Tahoe, he had sensationalized a term on his website, which triggered a series of things the California Chiropractic Board didn't agree with. They brought him in for questioning and he couldn't afford to fight it, so he surrendered his license. He has a Nevada chiropractic license and works as a chiropractor, but would like to work as a physician assistant.

Dr. Fischer asked if he would still work as a chiropractor if granted a physician assistant license, and Mr. Brady said he probably would not because the two physician assistant positions he was considering were full-time and would not allow him to do both.

Ms. Clark asked if he had any outstanding obligations with the California Chiropractic Board, and Mr. Brady said he was on probation and had until the end of 2016 to pay off a fine.

Dr. Berndt asked how well he had done scholastically in the physician assistant program, and Mr. Brady said he passed the exam the first time around.

Dr. Hardwick stated he was concerned with the fact that Mr. Brady was disciplined for doing more than what the California Chiropractic Board thought was appropriate and being financially rewarded by doing more than was necessary, and also because he owed more money to the California Chiropractic Board than he said he did.

Ms. Clark moved that the Board grant Mr. Brady's application for licensure. Dr. Chowdhry seconded the motion and it passed, with Dr. Hardwick voting against the motion and the remaining Board members voting in favor of the motion.

20(f) Donald C. Miller, M.D.

Dr. Fischer 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 not.

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

Dr. Miller explained the circumstances surrounding four of the cases of malpractice that had been filed against him.

Dr. Chowdhry questioned Dr. Miller regarding the fact that he had not practiced clinical medicine since July 2011.

Dr. Miller said he had no plans to practice clinical medicine. He planned to continue working as a Physician Adviser for Accretive Health, performing chart reviews.

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

20(g) Pamela M. Mulshine, M.D.

Dr. Fischer asked Dr. Mulshine 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 questioned Dr. Mulshine regarding the fact that she had not practiced clinical medicine since July 2009.

Dr. Mulshine explained that she works for Accretive Health, a revenue cycle consulting company for hospitals, and she runs their clinical services, which is all their physicians, their utilization review nurses, their coders, their clinical documentation specialists, and such. They currently review care for at least two hospitals in Nevada, and there are three others who are looking at using their services, so they have asked several of their physicians to apply for Nevada licenses in order to ensure they are in compliance with Nevada law. None of these physicians will be practicing in Nevada; however, the company's legal department feels that the Nevada corporate medicine statute requires a license in order to review care given to patients. She stated the physicians who work for the company are required to maintain their boards and their CME. She stated she has no intention to treat patients in Nevada.

Dr. Neyland moved that the Board grant Dr. Mulshine's application for licensure. Dr. Berndt seconded the motion and it passed unanimously.

Agenda Item 21

FINAL APPROVAL OF PROPOSED 2015 MEETING SCHEDULE

Dr. Prabhu moved to approve the proposed 2015 Meeting Schedule. Dr. Chowdhry seconded the motion and it passed unanimously.

Agenda Item 22

CONSIDERATION AND APPROVAL OF REVISIONS TO BOARD POLICY AND PROCEDURE MANUAL

Mr. Cooper explained that in September, the Board approved a new Policy and Procedure Manual. However, the section about expenditure of Board funds, that has always been included in the Policy and Procedure Manual, had been left out. Therefore, he was

requesting approval to add the section on expenditure of Board funds to the Policy and Procedure Manual as Item IX on page 49. He then outlined the provisions of that section. He also asked for approval to revise Section VIII.A, regarding Family and Medical Leave, to delete the provision that states one of the criteria required for eligibility is that the employee work at a location where at least 50 employees are employed, as the Board does not have 50 employees.

Dr. Prabhu moved that the Board approve the revisions to the Board Policy and Procedure Manual as described by Mr. Cooper. Dr. Chowdhry seconded the motion.

Ms. Wilkinson stated that with respect to the provisions regarding expenditure of Board funds, from past research she had done, she believed the Board is subject to the State Purchasing Act, NRS Chapter 333, and she didn't see any reference to that in those provisions, so it was not clear to her whether those provisions are intended to comply with that Chapter. She said she thought there may be some potential conflicts.

Discussion ensued regarding the proposed provisions of that section.

A vote was taken on the motion and it passed, with Dr. Berndt absent for the vote, Ms. Wilkinson voting against the motion and the remaining Board members voting in favor of the motion.

Agenda Item 23

**CONSIDERATION AND APPROVAL OF COST-OF-LIVING ADJUSTMENT (COLA)
FOR BOARD STAFF**

Mr. Cooper explained that Section V.J. of the Board's Policy and Procedure Manual states that every year, before the Board's November or December meeting, the Executive Director shall review the work of each Board employee to determine whether that employee deserves a merit increase. He stated the evaluations had been completed, and although he would have liked to propose a merit increase for everyone, he wasn't doing so at that time. He explained that Section V.J. goes on to say that every year, the Board will consider a cost-of-living increase based on the Consumer Price Index (CPI) for the western region, and if granted, the salary increase is effective January 1, unless otherwise directed by the Board. From August 2013 to August 2014, the cost of living in our area rose 2.9%. In order to keep up with inflation, and since Board staff had not received merit increases, it was felt a cost-of-living increase based on the CPI was a viable alternative. He asked that the Board consider granting Board staff, excluding the Executive Director and Deputy Executive Director, a cost-of-living increase of 2.9%. This would increase the personnel budget by \$40,000 for the 2015 calendar year.

Dr. Hardwick moved that the Board approve the cost-of-living salary increase of 2.9% effective January 1, excluding the Executive Director and Deputy Executive Director. Dr. Neyland seconded the motion.

Dr. Fischer asked whether, over time, as these numbers increase, the Board will need to increase its licensing fees.

Mr. Cooper stated that was not anticipated, and explained that the policy manual also states that when considering salary increases, the Board will consider the Board's financial situation, and the Board's financial situation is excellent.

Ms. Wilkinson asked how the proposed percentage was determined from the CPI, and Mr. Cooper explained.

Ms. Wilkinson asked whether there were any cost-of-living projections for the Nevada geographic area, and Mr. Cooper explained there were not, and the instructions were to use the CPI for the closest large metropolitan area to determine the cost-of-living increase for other areas.

Ms. Wilkinson asked whether the Las Vegas employees were included in the same CPI, and Mr. Cooper indicated they were.

Dr. Berndt asked whether this was the protocol the Board had used to determine cost-of-living increases in the past, and Mr. Cooper indicated it was, and said it was his understanding that other Boards use the same CPI when considering cost-of-living increases.

A vote was taken on the motion and it passed, with Ms. Wilkinson voting against the motion and the remaining Board members voting in favor of the motion.

Agenda Item 24

CONSIDERATION AND ADOPTION OF BUDGET FOR FISCAL YEAR 2015

Ms. Jenkins outlined the proposed budget for Fiscal Year 2015. She explained that most of the numbers in the income section were based on the 2014 budget, which has performed very well for the Board. Quarterly, it has been very close. The exception is the largest piece of the Board's income, which is the MD registration fees, Category 401. For that, staff used the actual amount recognized in the last renewal year. The actual amounts recognized from the last renewal year were also used for the last few categories – 425, 426 and 430. She said she felt the figures in the income section were really strong and very conservative figures and in a renewal year they should perform very close to these figures.

With respect to the expenses section, Ms. Jenkins explained that the personnel section included three new positions – one for Licensing and two in Investigations. The personnel figures were based on the actual salaries and wages the Board was paying at that time, with the addition of the three new positions and an additional 12% in the Board's health insurance section, as recommended by Ms. Clark. The figure for out-of-state travel was based on the travel expenses incurred in 2014. Some money was added to the investigations costs, which are the costs for medical reviews and peer reviews, and to the hearing officer section. 2014 budget figures were primarily used for the remaining expenses. She then outlined the recommended purchases for 2015, which totaled \$105,500 outside of the Board's normal operating expenses. She explained that the interest income figure used was the same as that in the 2013 budget. She said the budget was a positive budget and showed a return of \$174,300 to the Board's reserves in the next year.

Ms. Clark stated she thoroughly approved of all the proposed purchases, as they were very conservative and necessary.

Dr. Berndt moved that the Board adopt the budget. Dr. Hardwick seconded the motion, and it passed unanimously.

Agenda Item 25

OVERVIEW OF THE APPLICATION AND LICENSURE PROCESS

Mr. Cousineau stated that a few meetings back, the Board requested that staff provide an overview of the application and licensure process. He then outlined the materials provided to Board members in their packets, which included a list of the various license types that are available for medical doctors, a flow chart describing the application and licensure process, and the relevant statutes and regulations related to licensing. He said the two most sought types of licenses are unrestricted and licensure by endorsement. As indicated, Nevada has a very friendly endorsement statute, and requires only that an individual be licensed in good standing in another jurisdiction to apply for licensure by endorsement. However, that does not necessarily mean that the license will be granted without question.

Dr. Hardwick stated the overview was very well done and covered everything. Ms. Wilkinson thanked Mr. Cousineau and Ms. Daniels for all the work they had done in putting the materials together and providing them to the Board. Dr. Chowdhry stated that the information was very helpful.

Dr. Prabhu moved that the Board accept the overview of the application and licensure process. Dr. Neyland seconded the motion and it passed unanimously.

Agenda Item 26

STAFF COMMENTS/UPDATES

Ms. Munson advised the Board that the State Enterprise Information Technology Services (EITS) Web Group was in the process of redesigning the State agency websites, and that work on the Board's website was progressing. She next provided a status update on the upgrade of the Board's database and stated the tentative "go-live" date was currently scheduled for the end of January. She then explained that Board members would be given a choice in the future to continue to receive hard copy materials for Board meetings or begin receiving all materials via electronic means.

Dr. Berndt asked if staff had data regarding who is using the website and how many "hits" it receives. Ms. Munson explained that in the early-to-mid 2000s, the Board was tracking the "hits" on its website, but had discontinued the practice. She said the tracking could be reinstated if the Board so desired.

Agenda Item 27

MATTERS FOR FUTURE AGENDAS

Mr. Cooper stated the following items would be on the agenda for a future meeting: consideration of holding some Board meetings in Las Vegas; annual staff performance reviews at the March meeting; a discussion and decision regarding whether the Board wants to adopt by reference the FSMB Telemedicine Policy; and a legislative update at the March meeting, and again in September, by the Board's lobbyist.

Dr. Prabhu stated he would like the Board to consider an email he received from a doctor who is a board-certified endocrinologist who successfully completed the exam by the American Board of Clinical Lipidology, and would like the Board to tell him what title he can use for that. The Board of Clinical Lipidology is not recognized by the American Board of Medical Specialties.

Mr. Cousineau asked Dr. Prabhu to forward the information to him.

Ms. Platt thanked those who attended the Attorney General's Office training in October. Dr. Chowdhry stated the training was very good. Ms. Wilkinson thanked the Attorney General's Office for providing the training and stated that even with the number of years of experience she had in dealing with state matters and general government issues, it was very beneficial.

Agenda Item 28

PUBLIC COMMENT

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

ADJOURNMENT

Dr. Prabhu moved to adjourn. Dr. Chowdhry seconded the motion and it passed unanimously. Dr. Fischer adjourned the meeting at 2:50 p.m.

* * * * *