

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

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
9600 Gateway Drive, Reno, Nevada 89521

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, MARCH 6, 2020 – 8:00 a.m.

Board Members Present

Rachakonda D. Prabhu, M.D., President
Mr. M. Neil Duxbury, Vice President
Ms. April Mastroluca, Secretary-Treasurer
Victor M. Muro, M.D.
Aury Nagy, M.D.
Weldon Havins, M.D., J.D.
Ms. Maggie Arias-Petrel
Bret W. Frey, M.D.

Board Members Absent

Michael C. Edwards, M.D., FACS

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., General Counsel
Aaron Bart Fricke, J.D., Senior Deputy General Counsel
Donald K. White, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Lynnette L. Daniels, Chief of Licensing
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 8:01 a.m.

Mr. Cousineau took roll call, and all Board members were present with the exception of Dr. Edwards and Ms. Arias-Petrel. 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

APPROVAL OF MINUTES

- (a) December 6, 2019 Board Meeting – Open Session
- (b) December 18, 2019 Board Meeting – Open Session

Ms. Mastroluca moved that the Board approve the Minutes of the December 6, 2019 Board Meeting – Open Session and December 18, 2019 Board Meeting – Open Session. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 4

**CONSIDERATION OF REQUEST OF VICTOR R. BRUCE, M.D. FOR REMOVAL OF
CONDITION ON HIS MEDICAL LICENSE**

Dr. Bruce appeared in Las Vegas. Bernard Addo-Quaye, M.D., Dr. Bruce's preceptor, was present with Dr. Bruce.

Dr. Bruce stated he was requesting that the Board lift the preceptorship condition from his medical license. The Board had required him to participate in a 12-month preceptorship, which he began on October 24, 2018, and completed on December 13, 2019, and he had essentially completed all the conditions that had been placed upon him.

Dr. Muro asked about the other preceptorship requirements.

Dr. Bruce said he was to see 15 patients a day, for 12 months, supervised by Dr. Addo-Quaye. He then described the details of his work with Dr. Addo-Quaye. He explained that in order to meet the required patient volume, he worked in two clinics, and did the best he could to have as many patient encounters as possible.

Mr. Cousineau said Board staff had a concern that Dr. Bruce had unilaterally deviated from the preceptorship plan as approved by the Board.

Ms. Daniels explained that Dr. Addo-Quaye's final report indicated that in January 2019, they began participating in care at the Brightstar Urgent & Primary Care location, which was not part of the original preceptorship plan. The original plan was for the Trucare Medical Center location, and Ms. Daniels was never aware there had been a change in location until she received the final report, which is something the Board has not seen before.

Ms. Arias-Petrel joined the meeting at 8:12 a.m.

Dr. Havins asked Dr. Addo-Quaye whether he had supervised Dr. Bruce at the Brightstar location.

Dr. Addo-Quaye said that he did. He said there were no specific restrictions on his preceptorship of Dr. Bruce with respect to location, and when the Brightstar location came into play, he thought they had sent appropriate notification to the Board regarding that.

Dr. Bruce said the approval letter from the Board did not specify a location.

Dr. Havins asked Dr. Addo-Quaye whether his supervision of Dr. Bruce was any different at Trucare than it was at Brightstar, and Dr. Addo-Quaye stated it was not.

Ms. Daniels said that no notification had been received from either Dr. Bruce or Dr. Addo-Quaye that there had been a change in preceptorship location, and the original preceptorship plan speaks only to Trucare Medical Center.

Mr. Cousineau said the question for the Board was whether it wanted to acknowledge that the preceptorship plan, as modified unilaterally, was acceptable, or whether it wanted to consider some kind of alternative.

Dr. Muro said the preceptorship, by definition, required direct observation and mentoring, not just being on the premises where a certain number of patients were seen, so unless he heard otherwise, he thought the preceptorship was also wanting in that area.

Dr. Nagy said he shared Dr. Muro's concern. Additionally, he had an issue with respect to the numbers. Dr. Bruce was to see 15 to 20 patients a day, and he did not fulfill that requirement. The largest number of patients he saw over the course of a month was about 10 patients a day in October of 2019.

Dr. Muro said the Board was addressing two things: whether the preceptorship was modified unilaterally, which appeared to be the case, and whether there was an adequate number of patients seen under direct supervision to satisfy the Board's concerns.

Dr. Bruce said there was a lot of hands-on preceptorship, and the largest number of patients he saw was at Trucare, but he had no control over the number of patients who came into Dr. Addo-Quaye's clinics.

Dr. Nagy moved that Dr. Bruce continue in the preceptorship for six months under the terms of the preceptorship.

Discussion ensued regarding the duration of the continued preceptorship and the number of patients that Dr. Bruce should be required to see during that time.

Dr. Nagy amended his motion to state that Dr. Bruce see 600 patients and come back before the Board when he has completed that. Dr. Frey seconded the motion.

Ms. Mastroluca asked that Dr. Bruce and Dr. Addo-Quaye notify Board staff if they change locations for any reason.

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

Agenda Item 5

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CYNTHIA V. IVEY, CRT, BME CASE NO. 19-30399-1

Ms. Ivey was not present.

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

Ms. Rasul asked whether the adjudicating Board members had received and reviewed the materials related to this matter, and they indicated that they had.

Ms. Rasul then provided procedural instruction regarding the adjudication process.

Dr. Havins asked whether Ms. Ivey had been served with notice of the hearing. Mr. White stated that Board staff had attempted to serve Ms. Ivey both personally and through certified mail.

Dr. Nagy stated the first count against Ms. Ivey was failure to maintain timely, legible, accurate and complete medical records. In her response, she admitted she did not timely place the note and then called her colleague and asked her to do it, so he thinks there is no question the accusation is correct that she did not maintain timely, legible, accurate and complete medical records. Count II alleged misrepresentation in obtaining or renewing a license. Ms. Ivey failed to report a hospital investigation on her renewal application. She said she was unaware there was an official proceeding, but, nonetheless, there was an investigation that she failed to report.

Ms. Mastroluca moved that the Board adopt the Hearing Officer's Synopsis and Recommendations. Dr. Nagy seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. White stated the Investigative Committee's recommendations regarding discipline in this matter were as follows: that Ms. Ivey's license to practice as a respiratory therapist be revoked, and she may not apply for reinstatement of her license for a period of two years, pursuant to NRS 630.352 and NRS 622A.410, and that she receive a public letter of reprimand.

Discussion ensued regarding the Investigative Committee's proposed discipline.

Mr. White outlined the Investigative Committee's Memorandum of Costs and Fees submitted in the matter, and stated the total was \$8,285.02. The payment would be immediately stayed, but immediately due in full in the event Ms. Ivey reapplies for a license.

Ms. Mastroluca moved that the Board accept the Investigative Committee's disciplinary recommendations. Mr. Duxbury seconded the motion.

Mr. Cousineau stated for the record that the motion was as follows: revocation of license, and Ms. Ivey may not reapply for a license for two years, public reprimand, and costs as outlined in the Memorandum of Costs and Fees.

A vote was taken on the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

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. CYNTHIA V. IVEY, CRT, BME CASE NO. 19-30399-1, 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

Mr. White stated that staff was seeking the Board's authorization to defend the Board or take any other actions on its behalf with respect to this matter.

Dr. Havins moved that the Board authorize the General Counsel to defend the Board's findings, conclusions, orders and actions in this matter. Ms. Mastroluca seconded the motion, and it passed unanimously.

Agenda Item 7

CONSIDERATION OF RESPONDENT DHAVAL JASVANTBHAI SHAH, M.D.'S MOTION FOR CONSOLIDATION OF CASES UNDER NRS 622A.300, IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DHAVAL JASVANTBHAI SHAH, M.D., BME CASE NO. 19-32539-01, AND RESPONDENT ASHER SHAHZAD, M.D.'S MOTION FOR CONSOLIDATION OF CASES UNDER NRS 622A.300, IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ASHER SHAHZAD, M.D., BME CASE NO. 19-38390-01

Mr. Fricke advised the Board that Notices of Withdrawal of these motions had been received from opposing counsel the previous day, that counsel for the Investigative Committee was stipulating to withdrawal of the motions on the record, and therefore the matter should not be considered further.

Agenda Item 8

REQUEST FOR ORDER CLARIFYING AND AMENDING TERMS OF PREVIOUSLY-APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. STEPHEN WINSLOW GORDON, M.D., BME CASE NO. 19-11531-1

This matter was not discussed at the meeting.

Agenda Item 9

REPORTS

(a) Investigative Committees

Mr. Duxbury reported that at its February 21, 2020 meeting, Investigative Committee A considered 117 cases. Of those, the Committee authorized the filing of a formal complaint in 8 cases, sent 13 cases out for peer review, requested an appearance in 9 cases, issued 13 letters of concern, referred 5 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 69 cases.

Dr. Prabhu reported that at its February 12, 2020 meeting, Investigative Committee B considered 137 cases. Of those, the Committee authorized the filing of a formal complaint in 8 cases, sent 13 cases out for peer review, requested an appearance in 12 cases, issued 29 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 72 cases. He then thanked the other two members of Investigative Committee B and the staff for their very hard work.

(b) Nevada State Medical Association

Jaron Hildebrand, Executive Director of the Nevada State Medical Association (NSMA) said his first day on his own with NSMA was January 1, and provided some information regarding his background. He said he had been trying to get up to date on health care policy, and was currently working on the out-of-network regulations. The second round of drafts were currently with the Legislative Counsel Bureau and another workshop would be scheduled once NSMA received them back. He was late to the meeting that day because he was on a call with the Washoe County Health District due to a confirmed case of Coronavirus in Washoe County. He said there were currently 300 test kits at the Washoe County Health District, and they were asking people not to just go to the emergency room, and to either just stay home and quarantine themselves for two weeks or call ahead before going to the emergency room. He said he believed Clark County had around 600 test kits, and the state was supposed to receive thousands by the following week. He has also been working on the Cancer Registry. They are rewriting the draft regulations, so it is still evolving.

(c) Clark County Medical Society

No report was presented at this meeting.

(d) Washoe County Medical Society

Mary Ann McCauley, Executive Director of the Washoe County Medical Society (WCMS), reported that WCMS started off the year on a really positive note, primarily due to the interest it has seen in participation on the Board of Directors. There were five candidates for one position on the Board of Directors. Fortunately, NSMA is not restricted with regard to the number of Directors

it may have on the Board, so it added one additional position, and two of the three remaining candidates had joined committees. She said WCMS had a great inaugural dinner, with a Hawaiian theme. WCMS is working on two back-to-back CMEs, which will be held in probably late September. The first will be about working with disruptive patients, followed by how to appropriately fire a patient. WCMS will host an event at The Eddy in June and a family BBQ at Bartley Ranch on August 20. It is also moving forward with member recruitment, and is getting ready to pitch to non-members in a couple of different ways.

Agenda Item 10

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SETH H. WITTNER, PA*, BME CASE NO. 19-30184-1

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

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

Dr. Havins moved that the Board approve the proposed Settlement Agreement. Dr. Muro seconded the motion, and it passed, 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. JON L. SIEMS, M.D.*, BME CASE NO. 19-13009-1

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

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

Dr. Frey moved that the Board adopt the Settlement Agreement. Dr. Muro seconded the motion, and it passed, 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. CARLOS ENRIQUE FONTE, M.D.*, BME CASE NO. 18-9800-01

Dr. Fonte's legal counsel, David J. Mortensen, Esq., was present in Reno.

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

Mr. White stated a First Amended Complaint had been filed against Dr. Fonte alleging one violation of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement. He explained that he, Dr. Fonte and Mr. Mortensen had all stipulated to change the Continuing Medical Education in the Settlement Agreement from 10 hours related to the subject of

geriatric medicine to 6 hours related to the subject of record keeping and the remaining 4 hours related to the subject of geriatric medicine, for a total of 10 hours.

Mr. Mortensen stated he and Dr. Fonte were agreeable to that.

Ms. Mastroluca moved that the Board approve the proposed Settlement Agreement. Dr. Frey seconded the motion, and it passed, 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. ROSNER PATRICK LUSS, M.D.*, BME CASE NO. 19-10860-1

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

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

Dr. Havins moved that the Board approve the Settlement Agreement. Dr. Muro seconded the motion, and it passed, 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. RAFAEL MIRCHOU, M.D.*, BME CASE NO. 19-10416-1

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

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

Dr. Havins moved that the Board accept the Settlement Agreement. Dr. Frey seconded the motion, and it passed, 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. HUY NGUYEN, M.D.*, BME CASE NO. 19-30254-1

This matter was not discussed at the meeting.

Agenda Item 16

CONSIDERATION OF AMENDED SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NO. 19-22461-1

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

Ms. Bradley explained the purpose of the Amended Settlement Agreement was just to make a clarification with regard to the payment of the costs, as it wasn't clear where the costs were coming from. The amendment clarifies it for accounting purposes, so we have a clear record and can apply the payments appropriately.

Dr. Havins moved that the Board approve the Amended Settlement Agreement. Dr. Muro seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 17

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Ms. Bradley reported the current number of open investigative cases was 1,012 and the current average number of cases per investigator was 112. There were 57 peer reviews in the field and 43 peer reviews awaiting assignment, for a total of 100.

Mr. Duxbury asked how much time the average peer review takes. Ms. Bradley said that staff requests they be returned within 60 days, and follows up when they are late. In 2019, the average number of days for a complaint was 162, but not all of those involved a peer review.

Ms. Mastroluca thanked Ms. Bradley for stepping up and taking on this role in the Investigations Division in the absence of a Division Chief.

Mr. Cousineau advised the Board that staff would be interviewing the final candidates for the Chief of Investigations position the following week, and he anticipated filling the position by the end of that week.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the fourth quarter of 2019 was 8, for a total of \$45,951.66. There were 2 collections written off during the quarter in the amount of \$6,864.94. The total outstanding in costs was \$96,129.95, the total outstanding in fines was \$17,000.00, and the total costs collected during the quarter were \$23,743.59.

(c) Quarterly Update on Finances

Ms. Jenkins advised the Board that a Request for Proposals had been made for the Board's financial audits, and the contract had been awarded to the accounting firm of Casey Neilon. The contract was going through the State's contracting process and was waiting to go before the Board of Examiners for approval. She said she had reviewed all the calculations with respect to the status of the Board's reserves, and it is Board policy that she report that on a quarterly basis. As of December 31, 2019, the Board was at 4.3 months of reserves.

Ms. Jenkins then highlighted the various sections of the Balance Sheet for the fourth quarter of 2019. Current assets were \$6,686,000, fixed assets were \$3,543,000, for total assets of \$11,509,000. Current liabilities were \$6,132,000, long-term liabilities were \$7,091,000, which are primarily the post-retirement benefits, and net position was a negative \$1,714,000. The net income

for the year, as it stands now, was \$340,000. She said we expect that figure to change after the July report that gives us the figures for the post-retirement benefit values.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the fourth quarter of 2019. Total income was at 91.9% of budget, total personnel expenses were at 89.3% of budget, total expenses were at 96.9% of budget, and a difference of \$49,747.00.

Mr. Cousineau stated that Ms. Mastroluca had assisted with the selection of the new financial audit firm, and based on the cost, as well as their recommendations, he anticipates this will be a good replacement for the previous firm. Ms. Mastroluca added it was nice to find a local company that has experience in performing Board audits.

Dr. Havins asked whether the amount of net pension liability covered all the pension liability or whether it was a percentage of what is in PERS.

Ms. Jenkins stated it was based on a very complicated formula. She explained the State produces its actuarial reports, and this figure is based on where they were in July of last year, which reports a previous period from that, and the auditors use that to determine the value of the Board's portion of the post-retirement benefits liability.

(d) Legal Division Report

Mr. Kilroy reported there were currently 168 cases in the Legal Division, 6 of which had been presented to the Board for action at this meeting. In the last quarter, 2 cases were closed and/or dismissed by the Investigative Committees upon a subsequent review of the matter. There were 144 cases authorized for filing of a formal complaint and 47 letters of concern were approved by the Investigative Committees during their February meetings. Mr. Kilroy then provided an update regarding the single pending civil court case in which the Board was currently involved.

Agenda Item 18

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the December 6, 2019 Board Meeting

Dr. Nagy moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the December 6, 2019 Board Meeting. Dr. Havins seconded the motion.

Ms. Daniels thanked the Licensing team for all of their continued hard work and the awesome job that they do.

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

Agenda Item 19

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Dwight Cooper Reynolds, M.D.

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

Dr. Reynolds thanked the Board for giving him an opportunity to appear. He said he took responsibility for the inadvertent errors made on his application for licensure, but at no time did he intentionally falsify or try to mislead anyone with his application.

Dr. Muro questioned Dr. Reynolds regarding why he left the general surgery training program at the Cleveland Clinic. He said he had answered negatively to Question 8 on his application for licensure because he didn't see the word "resigned" in the question.

Dr. Muro stated that Dr. Reynolds would need to maintain his ABMS certification in Emergency Medicine, as it is a requirement.

Dr. Havins asked Dr. Reynolds whether he planned to perform liposuction procedures. Dr. Reynolds said he wasn't sure, but right now he was focusing on Emergency Medicine.

Dr. Havins asked Dr. Reynolds why he wanted to come to Nevada. Dr. Reynolds said he likes Reno.

Dr. Frey asked Dr. Reynolds whether he was currently performing any aesthetic medicine procedures in any of the states he was currently licensed in, and Dr. Reynolds said that he was.

Dr. Muro moved that the Board grant Dr. Reynolds a license with the condition that he maintain his ABMS certification in Emergency Medicine. Mr. Duxbury seconded the motion, and it passed unanimously.

(b) Mateusz Andrzej Lapucha, M.D.

Dr. Lapucha appeared in Las Vegas. Alia A. Najjar, M.D., Esq., appeared with Dr. Lapucha as his legal counsel.

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

Dr. Havins moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed unanimously.

Upon returning to open session, Dr. Nagy moved that the Board grant Dr. Lapucha's application for licensure. Mr. Duxbury seconded the motion, and it passed unanimously.

(c) Peter Harker Philander, M.D.

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

Ms. Mastroluca asked Dr. Philander to describe what he had been doing for the last few years since he stopped practicing clinical medicine, and Dr. Philander explained that he had been involved in clinical research activities.

Ms. Mastroluca asked Dr. Philander why he wanted to reactivate his license, and he explained that he needed an active license because a company he wants to work for would require him to have one.

Dr. Muro asked when he last examined a patient, prescribed, and/or came up with an active treatment plan, and Dr. Reynolds said it was in 2015.

Ms. Mastroluca asked Dr. Philander whether he was willing to taking the Special Purpose Examination (SPEX), and Dr. Philander said he did not see what the SPEX would accomplish.

Ms. Mastroluca explained that the purpose of the SPEX is to establish clinical competency, and if Dr. Philander wanted an active license, the Board needed to establish his clinical competency.

Dr. Philander said he was willing to take the SPEX.

Ms. Mastroluca moved that the Board grant Dr. Philander a license contingent upon successful passage of the SPEX. Mr. Duxbury seconded the motion, and it passed, with Dr. Havins voting against the motion and the remaining Board members voting in favor of the motion.

(d) Tammy Lynn Hankins, PA-C

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

Dr. Muro stated that Ms. Hankins had not practiced clinical medicine since 2013, due to legal actions which resulted in incarceration.

Ms. Hankins said she wants to move to Las Vegas, and has found a job at a medical spa there, but it is contingent upon her obtaining a license in Nevada.

Dr. Muro said he had grave concerns regarding everything that was before the Board, in addition to the fact that Ms. Hankins had not practiced clinical medicine since 2013.

Mr. Cousineau asked Ms. Hankins what she planned to do if granted a license in Nevada.

Ms. Hankins said she had secured a job at a medical spa and would be doing plastic surgery injections, in-office procedures, excisions, and assisting with different procedures. She planned to look into getting an urgent care job as well.

Mr. Cousineau stated that earlier in the meeting, the Board members had visited this same matter regarding an individual who has been out of clinical practice for quite a while and the remedy that would allow the Board to be comfortable in getting the individual back into clinical practice. Ms. Hankins had recently recertified with the NCCPA, and that is a recognition of clinical competency.

Ms. Mastroluca moved that the Board grant Ms. Hankins' application for licensure. Dr. Muro seconded the motion, and it passed unanimously.

(e) Charles Edward Kamen, M.D.

Lyn E. Beggs, Esq., appeared with Dr. Kamen as his legal counsel.

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

Ms. Mastroluca moved that the Board go into closed session pursuant to NRS 241.030. Mr. Duxbury seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Duxbury moved that the Board grant Dr. Kamen's application for licensure. Dr. Havins seconded the motion, and it passed unanimously.

(f) Richard Boyd Williams, M.D.

Dr. Prabhu 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.

Dr. Havins moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed unanimously.

Upon returning to open session, Dr. Prabhu moved that the Board grant Dr. Williams' application for licensure. Dr. Havins seconded the motion, and it passed unanimously.

(g) Paul Ramirez, M.D.

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

Ms. Mastroluca moved that the Board go into closed session pursuant to NRS 241.030. Dr. Havins seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Duxbury moved that the Board decline to grant Dr. Ramirez a license by endorsement. Ms. Mastroluca seconded the motion, and it passed unanimously.

Mr. Duxbury moved that the Board grant Dr. Ramirez a license contingent upon successful passage of the Special Purpose Examination (SPEX) within two months. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

(h) Stephen Richard Lauterbach, M.D.

Dr. Lauterbach appeared in Reno. Eddy Luh, M.D., Dr. Lauterbach's proposed preceptor, appeared in Las Vegas.

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

Dr. Havins moved that the Board go into closed session pursuant to NRS 241.030. Mr. Duxbury seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Duxbury moved that the Board grant Dr. Lauterbach a license contingent upon completion of a one-year preceptorship with the conditions recommended, that he maintain compliance with the Professional Recovery Network (PRN) program to completion, and that this will be memorialized in an order.

Discussion ensued regarding the number of hours that should be required under the preceptorship, and 1800 hours was the agreed-upon number.

Mr. Duxbury added to his motion a review of Dr. Lauterbach's charts, based on the recommendation, and that Dr. Lauterbach was to return to the Board upon completion of the preceptorship. Dr. Havins seconded the motion, and it passed, with Dr. Nagy abstaining from the motion and the remaining Board members voting in favor of the motion.

(i) Jeffrey Christopher Uy, M.D.

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

Dr. Havins stated Dr. Uy had not practiced clinical medicine since 2009. He had taken and passed the ABMS Maintenance of Certification exam, and had also voluntarily participated in a CPEP course. Dr. Uy holds active licenses in Arizona, California, Hawaii, New Mexico and Oregon.

Dr. Prabhu stated Nevada is in need of psychiatrists.

Dr. Uy told the Board he didn't have any immediate plans to go into practice if granted a license in Nevada, but he missed clinical care and academics. He was currently volunteering with the University and would like to expand his involvement there, and possibly transition back into clinical care.

Dr. Havins moved that the Board grant Dr. Uy's application for licensure. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 20

STAFF COMMENTS/UPDATES

Mr. Cousineau reminded the Board members that the Federation of State Medical Boards Annual Meeting would be held April 30 through May 2, and encouraged all Board members who could attend to do so. He said he would also be attending the Administrators in Medicine Annual Meeting on April 29. The FSMB eight-year audit of the Board had commenced, and a site visit had been scheduled by the FSMB team for April 6 through 8, in Reno. He explained the audit is a statutory requirement, and is to test the methodology and efficiency of the investigative processes of the Board. Additionally, the Board has been requested to appear before the Sunset Subcommittee of the Legislative Commission in early May. He said that would be an opportunity to explain the inner workings of the Board.

Ms. Bradley said the lease for the new Las Vegas office space was approved at the January Board of Examiners meeting. Staff had received a draft of what the space might look like and a cost estimate for it. She said it is a little more than what will be covered under the terms of the lease, so it will slightly increase the Board's rent each year to repay the additional cost. It is not a material amount, so staff was just waiting to get a final figure so construction could begin.

Mr. Duxbury asked if there was a timeline on the move. Ms. Bradley said the original goal was to be there next month, but that was not going to happen, so now May or June was the hopeful target. Staff had talked to the current landlord, and they are aware we will need a little more time, as the lease expires at the end of this month.

Agenda Item 21
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 22
ADJOURNMENT

Dr. Prabhu adjourned the meeting at 12:11 p.m.

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