

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 Via Telephonic Conference Call

WEDNESDAY, AUGUST 26, 2020 – 12:00 NOON

Board Members Present

Rachakonda D. Prabhu, M.D., President
Weldon Havins, M.D., J.D.
Ms. Maggie Arias-Petrel
Bret W. Frey, M.D.
Chowdhury Ahsan, M.D.
Mr. Kevin Page
Vishweshwar Ranga, M.D.

Board Members Absent

Mr. M. Neil Duxbury, Vice President
Ms. April Mastroluca, Secretary-Treasurer
Victor M. Muro, M.D.
Aury Nagy, M.D.
Michael C. Edwards, M.D., FACS

Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Robert Kilroy, J.D., General Counsel
Aaron Bart Fricke, J.D., Senior Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Henna Rasul, J.D., Senior Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

President Rachakonda D. Prabhu, M.D., called the meeting to order at 12:04 p.m.

Mr. Cousineau took roll call. Board members not present were Mr. M. Neil Duxbury, Ms. April Mastroluca, Victor M. Muro, M.D., Aury Nagy, M.D. and Michael Edwards, M.D., FACS. Mr. Cousineau announced there was a quorum.

Agenda Item 2

PUBLIC COMMENT

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

Agenda Item 3

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DHAVAL JASVANTBHAI SHAH, M.D.*,
BME CASE NOS. 19-32539-01 AND 20-32539-1

Crane Pomerantz, Esq. and Johnathon Fayeghi, Esq. were present on behalf of Dr. Shah, as his legal counsel.

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

Mr. Fricke stated that two formal Complaints had been filed against Dr. Shah in two separate cases alleging violations of the Nevada Medical Practice Act. Each case involved the demise of a patient under his care and each case alleged malpractice and a failure to maintain proper medical records. Mr. Fricke then outlined the terms of the proposed Settlement Agreement.

Discussion ensued regarding Dr. Shah's current license status, how the Settlement Agreement, if approved, would affect his licensure status, and the terms of the proposed Settlement Agreement.

Mr. Fricke stated that what was before the Board that day were the Complaints and the proposed Settlement Agreement. Dr. Shah, assisted by his counsel, had agreed to the terms, and he couldn't comment on any confidential negotiations that had occurred between the Investigative Committee and Dr. Shah.

Further discussion ensued regarding the proposed Settlement Agreement.

Dr. Frey moved that the Board accept the proposed Settlement Agreement. Dr. Havins seconded the motion.

Mr. Cousineau stated the only matter that should be discussed at that time was the contents of the current proposed Settlement Agreement that was before the Board. Those terms were agreed upon by the Investigative Committee of the Board, Dr. Shah and his counsel. He said if

there is a desire in the future by Dr. Shah and/or his counsel to petition the Board to modify the terms that are currently required under statute, that is something that should be done separately. The Board may either accept the Settlement Agreement as written or choose not to accept it.

Crane Pomerantz, Esq. said he agreed with Mr. Cousineau's and Mr. Fricke's comments, and urged the Board to approve the Settlement Agreement between Dr. Shah and the Investigative Committee as written. He said by way of factual background, he could represent to the Board that Dr. Shah voluntarily went into inactive status on March 3, 2020, his license subsequently went back into active status, and he was practicing exclusively in the area of COVID, but he had not been practicing at all since the end of June.

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

Agenda Item 4

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CLINTON ANDERSON, PA-C, BME CASE NO. 20-36612-1

Crane Pomerantz, Esq. and Johnathon Fayeghi, Esq. were present on behalf of Mr. Anderson, as his legal counsel.

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

Mr. Fricke stated that a formal Complaint had been filed against Mr. Anderson alleging two violations of the Nevada Medical Practice Act, for malpractice and failure to maintain proper medical records. Mr. Anderson was Dr. Shah's physician assistant, and this was a companion case to Dr. Shah's second case. Mr. Fricke then outlined the terms of the proposed Settlement Agreement.

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

Agenda Item 5

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 6

ADJOURNMENT

Dr. Prabhu adjourned the meeting at 12:24 p.m.

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