

AGENDA ITEM 3

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

FRIDAY, DECEMBER 4, 2020 – 9:00 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.
Michael C. Edwards, M.D., FACS
Weldon Havins, M.D., J.D.
Ms. Maggie Arias-Petrel
Bret W. Frey, M.D.

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., 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
Ernesto Diaz, Chief of Investigations
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 9:17 a.m.

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

Dr. Prabhu asked everyone to observe a moment of silence to honor the memory of the Pearl Harbor victims.

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) August 26, 2020 Board Meeting – Open Session

Mr. Duxbury moved that the Board approve the Minutes of the August 26, 2020 Board Meeting – Open Session. Dr. Edwards seconded the motion, and it passed unanimously.

(b) September 11, 2020 Board Meeting – Open/Closed Sessions

Dr. Frey moved that the Board approve the Minutes of the September 11, 2020 Board Meeting – Open/Closed Sessions. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 4

UPDATE ON THE PHYSICIAN ASSISTANT PROFESSION BY THE NATIONAL COMMISSION ON CERTIFICATION OF PHYSICIAN ASSISTANTS, INC. (NCCPA)

Greg P. Thomas, PA-C Emeritus, MPH, Director of PA Relations for the NCCPA, gave a presentation to the Board, providing information about the NCCPA, the growth of the physician assistant profession, statistical data regarding physician assistants in Nevada, and the NCCPA certification and maintenance of certification processes.

Agenda Item 5

CONSIDERATION OF REQUEST OF SHOUPING LI, M.D., FOR MODIFICATION OF TERMS OF THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SHOUPING LI, M.D.*, BME CASE NO. 19-32638-1

Dr. Li and his legal counsel, Lyn E. Beggs, Esq., were present.

Ms. Munson named the adjudicating Board members who would be considering the matter.

Ms. Beggs stated that on December 9, 2019, the Board accepted a Settlement Agreement in this matter. As part of the terms of that Settlement Agreement, Dr. Li's medical license was revoked and he was prohibited from reapplying for a medical license for a period of two years. She said that Dr. Li was before the Board that day for the sole purpose of requesting that the Board modify that provision of the Settlement Agreement from a two-year restriction to reapply to a one-year restriction to reapply. She said the reasons for making the request were set forth in the letter she submitted to the Board on October 21 and Dr. Li's letter dated November 20. Dr. Li has been out of clinical practice since February 2019, and would like to rejoin the medical community to provide much-needed medical services during the COVID-19 pandemic, particularly in the rural communities.

Dr. Frey moved that the Board maintain the two-year period as previously determined. Dr. Edwards seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 6

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MELISSA TERESA CANDRILLI, RRT*, BME CASE NO. 19-33868-1

Ms. Candrilli was not present.

Ms. Munson 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. Nagy said it appeared to him that Ms. Candrilli has had an ongoing difficulty with alcohol, causing destructive issues in her life, and the problem had escalated to the point that a psychiatric evaluation identified that she would be a threat to patients if she was allowed to continue to practice respiratory therapy. In light of that finding, the Board cannot allow her to continue practicing as a respiratory therapist until she receives appropriate treatment. Therefore, he would move that the Board support the recommendations of the Investigative Committee and Mr. Fricke. Dr. Edwards said he would second that if it was a motion.

Mr. Cousineau stated that the Board needed specifics to support the violations.

Mr. Fricke requested that the Board vote specifically on whether to adopt the Hearing Officer's recommendations, and then make a finding with respect to Counts I and II of the Complaint.

Dr. Havins moved that the Board adopt the findings of the Hearing Officer. Mr. Duxbury seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. Fricke read Count I of the Complaint.

Dr. Nagy moved that the Board adopt the Hearing Officer's findings with respect to Count I. Mr. Duxbury seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. Fricke read Count II of the Complaint.

Dr. Frey said it was very clear there was a violation, and moved to adopt the Hearing Officer's findings with respect to Count II. Mr. Duxbury seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. Fricke presented the Investigative Committee's recommendations regarding discipline in the matter. First, that Ms. Candrilli receive a written public reprimand. Second, that Ms. Candrilli's license remain suspended until further order of the Board. Third, that Ms. Candrilli be ordered to, within 30 days, enter a 5-year contract with Professional Recovery Network (PRN) to address her alcohol and other substance abuse disorders, and any other impairments discovered by examination, and to order appropriate testing to assure her continued abstinence from all mood-altering chemicals. Fourth, that Ms. Candrilli pay fines of \$2,000.00 for Count I and \$1,000.00 for Count II, for a total of \$3,000.00, to be paid within 60 days. Fifth, that Ms. Candrilli be ordered to, within 60 days, undergo a psychiatric examination as directed and administered by PRN, pursuant to and in accord with NRS 630.318. Last, that Ms. Candrilli reimburse the Board's costs and fees incurred in the investigation and prosecution of the case, pursuant to the Memorandum of Costs submitted in the matter, in the amount of \$7,897.19, within 60 days.

Dr. Frey moved that the Board adopt the Investigative Committee's disciplinary recommendations. Mr. Duxbury seconded the motion.

Discussion ensued regarding what would happen in the event Ms. Candrilli failed to comply with any of the foregoing requirements.

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

Agenda Item 7

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. MELISSA TERESA CANDRILLI, RRT*, BME CASE NO. 19-33868-1, 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. Fricke 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. Frey moved that the Board authorize the General Counsel to defend the Board's findings, conclusions, orders and actions in this matter. Mr. Duxbury seconded the motion, and it passed unanimously.

Agenda Item 8

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

- Request for Authorization to Proceed With the Regulatory Adoption Process to Amend the Time Frame Specified in NAC 630.280(1) From 12 Months to 24 Months

Ms. Bradley explained this amendment would change the time frame when physician assistants are required to take an exam if they haven't practiced for a period of time to be consistent with that for physicians, which is 24 months.

Dr. Frey moved that the Board authorize staff to proceed with the regulatory adoption process on the proposed changes. Mr. Duxbury seconded the motion, and it passed unanimously.

Agenda Item 9

CONSIDERATION OF REQUEST OF STEPHEN R. LAUTERBACH, M.D., FOR REMOVAL OF CONDITIONS ON HIS MEDICAL LICENSE

Ms. Daniels asked Dr. Lauterbach to provide the Board with a brief overview of his medical license disciplinary history from 2001 forward, and Dr. Lauterbach did so.

Dr. Lauterbach explained that following the September 2020 Board meeting, he met with a group of cardiovascular surgeons, who intended to hire him. He obtained a medical malpractice quote at their request, and then two weeks later, he received an email from the group's manager saying they were no longer going to move forward, with no explanation offered. He tried to contact them to find out what had changed; however, he did not receive an answer. He currently has no viable option in Nevada, but has a couple of possibilities in Pennsylvania, where he is also licensed. He said he was asking the Board to eliminate the PACE condition because there is another condition on the license of 30 observed cases, and if he ever gets back to clinical work, his intention would be to do cases, have them observed, and have a report generated, if the Board would be willing to accept that as clinical competence. He also plans to remain in the PRN program for another year. The PACE program isn't feasible for him financially, and he thinks all would agree that doing hands-on, observed surgery is far more germane to competence than pushing wires through a plastic model in San Diego.

Dr. Prabhu said he would be inclined to remove the PACE condition if there was a group who was willing to monitor Dr. Lauterbach for 30 cases, as he thought that would satisfy the Board's concerns.

Dr. Lauterbach said credentialing by insurance companies and hospitals is going to be next to impossible with a conditional license.

Dr. Havins asked Dr. Lauterbach what he wanted the Board to do, and Dr. Lauterbach said he would like the Board to eliminate the PACE condition.

Dr. Edwards asked Dr. Lauterbach whether he had performed surgery since 2016, and he said he had not. Dr. Lauterbach said he had spent the majority of the last few years traveling to train physicians, attending meetings, giving presentations, collecting data, attending CMEs, etc.

Dr. Prabhu asked Dr. Lauterbach if he was willing to continue to participate with the Professional Recovery Network (PRN) program, and Dr. Lauterbach said he was.

Dr. Nagy said he thinks there is a dearth of vascular surgeons in Nevada, and the State would benefit from having an additional trained vascular surgeon. To that effect, he spoke with the Chief of Surgery at Centennial Hills Hospital, who agreed to take Dr. Lauterbach on with his group and observe the work that he does while he is there. This would allow the state to receive the benefit of an additional vascular surgeon and allow Dr. Lauterbach to practice in a way that is supervised, which may resolve the issues the Board has with respect to patient safety. However, Centennial Hills Hospital is unable to credential him as long as he has restrictions on his license.

Dr. Edwards asked whether it would be possible to have the physician who is willing to take responsibility for Dr. Lauterbach to appear before the Board and assure it that everything is in place.

Ms. Daniels reminded the Board that Dr. Lauterbach has a license in the State of Nevada with various conditions. Those conditions are that he complete PACE, successfully complete 30 vascular surgery cases proctored by a vascular surgeon in the State of Nevada, and continue to participate in and complete the PRN program, which would be completed December 7, 2021. She said her recommendation would be that the surgeon who is willing to supervise Dr. Lauterbach provide a letter to the Board confirming that, and that Dr. Lauterbach continue with the PRN program, which she believed Dr. Lauterbach was amenable to.

Dr. Prabhu moved that Dr. Lauterbach be granted a license pending receipt of a letter of agreement from one of his proctors to assure the Board that he will be proctored in Nevada for at least 30 cases, and that the Board will be promptly informed of any adverse events; that Dr. Lauterbach will continue to participate in the PRN program until December 7, 2021; and that the PACE condition be eliminated.

Mr. Cousineau said he wanted to clarify that Dr. Lauterbach already has a Nevada license.

Dr. Frey asked whether the motion could be modified to say that the letter should come from an active staff member of the hospital at which Dr. Lauterbach intends to get credentialed, and Dr. Prabhu agreed to the amendment.

Dr. Nagy seconded the motion.

Discussion ensued regarding the motion.

Mr. Duxbury asked Dr. Lauterbach whether remaining in the PRN program as a condition would inhibit his ability to get employment, and Dr. Lauterbach said he believed it would.

Further discussion ensued regarding the motion.

Mr. Cousineau asked Dr. Lauterbach to tell the Board what he would like the Board to do.

Dr. Lauterbach said he would like to have no conditions whatsoever so he can get credentialed at a hospital. He said he appreciates the Board's concerns, and he totally understands them. He is in the PRN program on his own, he continues to send reports to New York, and would be happy to send them to Nevada, and in order to get credentialed, he is going to have to be observed in vascular surgery.

Dr. Prabhu withdrew his motion, and then moved that the Board remove all conditions on Dr. Lauterbach's license. No second to the motion was received.

Dr. Nagy advised the Board he had received information from Centennial Hills Hospital that normally the PRN program does not interfere with its credentialing, so it should not be a problem.

Dr. Prabhu withdrew his second motion, and then moved that Dr. Lauterbach be monitored for 30 cases proctored by a vascular surgeon in Nevada, and that he participate in the PRN program until December 7, 2021.

Discussion ensued regarding the motion.

Dr. Prabhu withdrew his third motion.

Mr. Duxbury moved that the Board remove the conditions as they exist, with the exception of the PRN program, and that it be memorialized in an order. Dr. Prabhu seconded the motion, and it passed, with Dr. Muro voting against the motion and all other Board members voting in favor of the motion.

Agenda Item 10

REPORTS

(a) Investigative Committees

Mr. Duxbury reported that at its November 13, 2020 meeting, Investigative Committee A considered 134 cases. Of those, the Committee authorized the filing of a formal complaint in 21 cases, sent 12 cases out for peer review, requested an appearance in 1 case, issued 19 letters of concern, referred 4 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 77 cases.

Dr. Muro reported that at its November 18, 2020 meeting, Investigative Committee B considered 121 cases. Of those, the Committee authorized the filing of a formal complaint in 8 cases, sent 16 cases out for peer review, requested an appearance in 7 cases, issued 17 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 70 cases.

(b) Nevada State Medical Association

Dr. Frey said in speaking with Jaron Hildebrand, Executive Director of the Nevada State Medical Association, the previous day, they are very excited to share that the Pfizer vaccine will be coming in from Michigan expeditiously, likely on the 13th or 14th of December, to both Clark County and Washoe County. It will then be distributed throughout the state for rapid

administration over the course of the following two weeks. Subsequently, and intentionally, to better serve the rural areas, the Moderna vaccine will arrive thereafter. Dr. Frey commended Mr. Hildebrand for his diligence and hard work on these efforts, along with Shannon Bennett and the State Immunization Program.

(c) Clark County Medical Society

Denise Selleck, Executive Director of the Clark County Medical Society (CCMS), reported that CCMS was currently in the process of renewing all of its membership. In January, CCMS will begin a recruitment program for membership, which will also provide membership in the Nevada State Medical Association. CCMS is planning a Residents' Job Fair, which will be held in two parts, both virtual. The didactic session will be held next week, and the job fair portion will be held at the end of January. CCMS will be offering a poster contest, which will also be held at the end of January. CCMS held its annual Gala virtually in October, and the only downside of holding it virtually was that CCMS received a reduced number of donations to its scholarship fund. CCMS is also looking forward to the upcoming legislative session.

(d) Washoe County Medical Society

Mary Ann McCauley, Executive Director of the Washoe County Medical Society (WCMS), reported that WCMS' major focus over the past months had been on keeping its members updated as best as is possible with the most current information on the Coronavirus situation. WCMS has been doing a monthly update with Dr. Kevin Murphy, as well as sharing other information on a regular basis. WCMS will hold its business meeting virtually in January, in accordance with its bylaws, and will be installing Dr. Patrick Woodard as its 2021 President. On June 12, the Inaugural Dinner will be a garden party. The Alliance With the Washoe County Medical Society is holding a Festival of Trees at the Moana-South Virginia location, where you can bid online and take home a beautifully decorated tree. WCMS is also working on its membership recruitment and retention, and renewal dues are coming in a little ahead of last year, which is very encouraging.

Agenda Item II

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BERNARD KOFI ADDO-QUAYE, M.D.*, BME CASE NO. 20-19197-1

Ms. Munson named the adjudicating Board members who would be considering the matter.

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

Mr. Duxbury moved that the Board approve the proposed Settlement Agreement. Dr. Edwards 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. VICTOR RONALD BRUCE, M.D., BME* CASE NO. 20-12252-1

Ms. Munson named the adjudicating Board members who would be considering the matter.

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

Mr. Duxbury moved that the Board approve the proposed Settlement Agreement. Dr. Edwards 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. KIARASH L. MIRKIA, M.D., BME* CASE NO. 20-32904-1

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

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

Dr. Havins moved that the Board accept 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 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HANS-JORG WALTER ROSLER, M.D., BME* CASE NO. 19-26862-1

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

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

Ms. Mastroluca 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 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ASHER SHAHZAD, M.D., BME* CASE NO. 19-38390-1

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

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

Discussion ensued regarding whether the terms of the proposed Settlement Agreement were appropriate under the facts of the case.

Dr. Muro moved that the Board not accept the Settlement Agreement. Dr. Prabhu seconded the motion, and it failed, with Dr. Prabhu, Dr. Muro, Ms. Arias-Petrel voting in favor of the motion, and Ms. Mastroluca, Dr. Havins and Dr. Frey voting against the motion.

Ms. Mastroluca moved that the Board accept the Settlement Agreement as written. Dr. Frey seconded the motion, and it failed, with Ms. Mastroluca, Dr. Havins and Dr. Frey voting in favor of the motion, and Dr. Prabhu, Dr. Muro and Ms. Arias-Petrel voting against the motion.

Mr. Cousineau stated if no other motions made by the adjudicating Board members, the proposed Settlement Agreement would be considered to have not been adopted. No other motions were made.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOSE RAMON TROCHE, PA*, BME CASE NO. 20-303-1

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

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

Ms. Mastroluca moved that the Board approve the Settlement Agreement. Dr. Prabhu seconded the motion, and it passed, with all 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. ANNE O'NEILL, M.D.*, BME CASE NOS. 20-34134-1 AND 20-34134-2

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

Mr. White stated that two formal Complaints had been filed against Dr. O'Neill alleging two violations of the Nevada Medical Practice Act in both cases, and outlined the terms of the proposed Settlement Agreement.

Dr. Frey moved that the Board approve the Settlement Agreement. Ms. Mastroluca seconded the motion, and it passed, with all 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. VICTORIA K. WALL, M.D.*, BME CASE NO. 20-18832-1

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

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

Ms. Mastroluca moved that the Board adopt the Settlement Agreement. Dr. Frey seconded the motion, and it passed, with all 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. HARISH S. HOSALKAR, M.D.*, BME CASE NO. 20-41820-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Hosalkar 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 Settlement Agreement. Dr. Frey seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MORTON ISAAC HYSON, M.D.*, BME CASE NO. 20-8616-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Hyson 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. Frey seconded the motion, and it passed, with all 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. STEPHANIE COLLEEN JACKSON, M.D.*, BME CASE NO. 20-41027-1

This matter was not discussed at the meeting.

Agenda Item 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RICHARD D. WASHINSKY, M.D.*, BME CASE NO. 20-8462-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Washinsky alleging 17 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. Frey seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. FRANK SILVER, M.D.*, BME CASE NO. 20-4041-1

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

Mr. Kilroy stated there were clerical errors on page 1, line 21, paragraph 2, of the proposed Settlement Agreement. The date should be November 17, 2020, and it should say "First Amended Complaint." He said the Complaint alleges two violations of the Nevada Medical Practice Act, and then outlined the terms of the proposed Settlement Agreement.

Dr. Frey moved that the Board approve the Settlement Agreement. Dr. Muro seconded the motion, and it passed, with Dr. Prabhu 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 during the fourth quarter of 2020, the Investigations Division received approximately 177 complaints. Of those, 76 cases were opened by the Division, there were 54 with no-jurisdiction, 26 were referred to other agencies, there were 9 complaints that were resolved through proactive measures, and 12 that were pending review that were duplicate complaints. For the year, the Investigations Division received 1,039 complainants. Of those, 485 were opened by the Division. With respect to case counts, for 9 Investigators, including the Deputy Chief and Chief, there are a total of 940 cases open, with an average of 105 per Investigator. Thirty-nine cases were closed to compliance and 13 were closed to diversion. There were a total of 73 peer reviews this quarter – 43 of those have been assigned and 30 are pending assignment.

Mr. Duxbury stated that Mr. Diaz is doing a fantastic job in moving the process forward, and becoming much more efficient.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the third quarter of 2020 remained the same, at 8, for a total of \$45,000.00, no collections were written off during the third quarter, the total outstanding in costs and fines was \$54,664.00, and the total costs collected during the quarter were \$44,392.00

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the third quarter. The Board's total current assets were approximately \$4.5 million, total assets were \$9 million, total current liabilities were \$3.5 million, and the total liabilities and net position for the quarter was \$9 million. The year-to-date net income was \$418,000.00.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the third quarter of 2020. Total income was at \$1.2 million, which was 99.2% of budget for the quarter. Personnel expenses were over budget by 3.5%, total operating expenses were at 98.3% of budget, and total expenses were 1.4% over budget, also a total of \$1.2 million, resulting in a net difference for the quarter of \$39,261.

(d) Legal Division Report

Mr. Kilroy reported there were currently 176 cases in the Legal Division. There were 11 settlements at this Board meeting, representing 17 cases, and 1 case that was adjudicated. In the last quarter, 1 case was dismissed by the Investigative Committee upon subsequent review, and 1 pending civil court case in which the Board was currently involved. There were 158 cases authorized for filing of a formal complaint, which was a significant increase of 29 from the previous quarter, there are 18 cases that are in the pre-hearing process, 15 additional cases in which a formal Complaint has been filed, 6 cases in which Amended Complaints have been filed, and 39 letters of concern were drafted by the Legal Division on behalf of the Investigative Committees. He expressed his appreciation to Mr. Fricke and Mr. White for preparing those. For the year to date, 26 Complaints were filed, 11 First Amended Complaints were filed, there were 2 adjudications, there were 30 settlements, and there were 2 orders to modify previous settlement agreements.

Dr. Havins asked about the status of the pending civil case, and Ms. Bradley provided an update.

Agenda Item 25

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the September 11, 2020 Board Meeting

Dr. Edwards moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the September 11, 2020 Board Meeting. Dr. Havins seconded the motion, and it passed unanimously.

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS
FOR LICENSURE

(a) Gonzalo Edward Cruz-Schiavone, M.D.

John A. Hunt, Esq., was present with Dr. Cruz-Schiavone as his legal counsel.

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

Dr. Edwards outlined Dr. Cruz-Schiavone's medical education and training, and stated that Dr. Cruz-Schiavone was applying for licensure by endorsement because he had not completed 36 months of progressive postgraduate training. He said Dr. Cruz-Schiavone holds medical licenses in California and Pennsylvania, that there is nothing on his National Practitioner Data Bank report, and that he has no malpractice issues. He then asked Dr. Cruz-Schiavone what he planned to do if granted a license to practice medicine in Nevada.

Dr. Cruz-Schiavone explained he was employed by Advantage Surgical and Wound Care, which provides wound care services and skilled nursing at home-care settings and clinics. The company is looking to expand operations into Nevada, and he was asked if he could staff some of its facilities in Las Vegas.

Dr. Edwards stated the intent of licensure by endorsement is to bring physicians to the State who have highly-specialized skill-sets that are in need, and he thinks there is a relative excess of wound care physicians in northern and southern Nevada.

Dr. Edwards stated Advantage Surgical and Wound Care's website portrays him as a surgeon, which is misleading.

Mr. Hunt thanked Dr. Edwards for pointing that out, and said they would make sure that was corrected immediately.

Dr. Edwards asked Dr. Cruz-Schiavone whether he planned to do any more training in terms of residency, and Dr. Cruz-Schiavone said he had not planned on going back just yet.

Dr. Edwards moved that the Board decline to grant licensure by endorsement to Dr. Cruz-Schiavone. Dr. Muro seconded the motion, and it passed unanimously.

(b) William James Curtis, M.D.

Dr. Prabhu asked Dr. Curtis 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. Curtis was applying for licensure by endorsement because he had not completed 36 months of progressive postgraduate training, and that Dr. Curtis' last exam was Step 3 of the United States Medical Licensing Examination in August of 2010.

Dr. Curtis said he was licensed in Kentucky, Michigan and North Carolina. He stated he is a maxillofacial surgeon, and described his residency training.

Dr. Edwards asked Dr. Curtis whether he held an active dental license in Nevada. Dr. Curtis stated he had applied, but had not yet received a license.

Dr. Edwards asked Dr. Curtis why he wanted a medical license in Nevada. Dr. Curtis explained that he had lived in Reno previously, and had an opportunity to return, and that he would like to start a comprehensive head and neck cancer program, which doesn't currently exist in Reno.

Mr. Cousineau stated the Board had seen two very similar applicants with the same circumstances seeking licensure by endorsement over the last couple of years, and both times, the Board did not grant licensure by endorsement to those applicants, based on concerns regarding the third year of training that is required under a traditional application for licensure. The Board should consider every application on its unique circumstances, but he wanted to remind the Board of that.

Discussion ensued regarding whether it would be appropriate to grant licensure by endorsement to Dr. Curtis.

Dr. Curtis stated he would be bringing something to the state that is not currently here.

Dr. Frey moved that the Board decline to grant licensure by endorsement to Dr. Curtis, but with an encouraging statement from the Board that it would like to see Dr. Curtis pursue practice as a dentist in Nevada with his skill set, as it would be beneficial to the State. Dr. Edwards seconded the motion, and it passed, with Dr. Nagy opposed to the motion, and all other Board members voting in favor of the motion.

(c) Lalitha Murthy Vakkalanka, M.D.

Dr. Prabhu asked Dr. Vakkalanka 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 Dr. Vakkalanka was applying for licensure by endorsement because she had not completed 36 months of continuous progressive postgraduate training, although she has a total of 41 months postgraduate training. Her board certification expired in 2013.

Dr. Vakkalanka explained why she was unable to get recertified. She stated the reason she wants a license to practice medicine in Nevada is because her daughter is doing her residency training in Las Vegas, and wants to stay and continue to work there, and Dr. Vakkalanka would like to be close to her. She believes she will be an asset to Nevada because she practices holistic and traditional medicine, and all her patients love her. She is an internal medicine practitioner and she has been doing that continuously for some time.

Dr. Muro stated that testing was one avenue that was open to Dr. Vakkalanka, and a peer review was something the Board could also consider.

Dr. Edwards asked what Dr. Vakkalanka planned to do if granted a license to practice medicine in Nevada, and Dr. Vakkalanka said she planned to practice in an outpatient setting.

Dr. Frey asked Dr. Vakkalanka whether she would be willing to sit for the Special Purpose Examination (SPEX), and Dr. Vakkalanka said she would prefer a peer review, as she thought some of the questions on the SPEX would not be fair because she doesn't practice in those areas.

Dr. Muro moved that the Board decline to grant licensure by endorsement to Dr. Vakkalanka. Dr. Havins seconded the motion, and it passed unanimously.

Dr. Nagy asked whether Dr. Vakkalanka could be granted an unrestricted license if she passed the SPEX, and Mr. Cousineau stated she could.

Ms. Daniels stated that Dr. Vakkalanka's application would expire in March of 2021. If she is willing to take SPEX by March, the Board will keep her file open, and license her if she passes with a score of 75% or higher. She can self-sponsor to take the exam because she holds a license in another state.

(d) Bingtao Lin, M.D.

Dr. Prabhu asked Dr. Lin 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 stated that Dr. Lin was applying for licensure by endorsement because he had not completed 36 months of progressive postgraduate training. She asked him to describe his postgraduate training, and Dr. Lin did so.

Ms. Mastroluca asked Dr. Lin what he planned to do if granted a license to practice medicine in Nevada.

Dr. Lin explained that he was currently running his own practice in Sacramento, and Reno is geographically close to him.

Ms. Arias-Petrel asked Dr. Lin whether he planned to stay in Sacramento, or whether he planned to relocate to Nevada. Dr. Lin said he would continue to work in Sacramento, but spend most of his time in Nevada to provide pain management services.

Dr. Prabhu asked Dr. Lin what type of training he had in pain management, and Dr. Lin described his practice.

Dr. Edwards asked Dr. Lin what formal training he had in pain management, other than on-the-job training, and Dr. Lin said he participated in a fellowship in Bakersfield, but it was not an ACGME-accredited fellowship.

Dr. Muro stated that licensure by endorsement was reserved for those with unique skill sets, abilities, and so forth, as well as a need for the specialty.

Dr. Muro moved that the Board decline to grant licensure by endorsement to Dr. Lin. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

(e) Justin Coleman Young, M.D.

Dr. Prabhu asked Dr. Young 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 that Dr. Young was applying for licensure by endorsement because he had not completed 36 months of progressive postgraduate training.

Dr. Young described his postgraduate training and practice history. He stated he was employed by Carbon Health; that the company has been expanding quite a bit across the country, and had a few locations in Reno already. The company is planning further expansion into Nevada, and would like him to have a license in Nevada for supervisory purposes and for virtual care needs. He said he was currently practicing urgent care, and was not board certified in any field.

Dr. Havins explained that licensure by endorsement is generally reserved for those individuals who offer unique, specialized care that is not otherwise available in Nevada, and Nevada has a lot of urgent care physicians.

Dr. Edwards moved that the Board decline to grant licensure by endorsement to Dr. Young. Dr. Muro seconded the motion, and it passed unanimously.

(f) Galia Jill Meiri, M.D.

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

Dr. Nagy stated that Dr. Meiri was a dermatologist who had been practicing since 1998. He said one case of malpractice had been filed against her, and described the circumstances surrounding that case.

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

(g) Clinton Adlai Turner, M.D.

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

Mr. Duxbury questioned Dr. Turner regarding his affirmative response to Questions 12 and 12a on his application for licensure.

Dr. Turner described the circumstances surrounding the two cases of malpractice that had been filed against him that had resulted in settlements, and the two cases that were currently pending against him.

Dr. Prabhu questioned Dr. Turner regarding his affirmative response to Question 13 on his application for licensure.

Dr. Turner described the circumstances surrounding his arrest in 1980 for breaking and entering, and the subsequent proceedings.

Dr. Prabhu asked Dr. Turner what he planned to do if granted a license to practice medicine in Nevada.

Dr. Turner said he planned to move to Henderson and wanted to work as a laborist or a hospitalist.

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

Agenda Item 27

CONSIDERATION AND APPROVAL OF PROPOSED 2021 MEETING SCHEDULE

Mr. Cousineau stated the proposed meeting schedule for 2021 followed the previous standard meeting course. He said he would like to hold the March meeting in the new Las Vegas office. In years past, the Board has held the December meeting in Las Vegas, and he thinks it would be a good idea to alternate meetings between Reno and Las Vegas going forward, once the new Las Vegas space is in place. He asked the Board for their thoughts.

Mr. Duxbury said he thought it was a fantastic idea to alternate the meetings.

Dr. Frey moved that the Board approve the proposed 2021 Meeting Schedule, alternating the meetings between Reno and Las Vegas going forward. Mr. Duxbury seconded the motion, and it passed unanimously.

Agenda Item 28

PERSONNEL

- Annual Performance Evaluation of Executive Director

Dr. Havins said that Mr. Cousineau was doing a great job, and moved that the Board accept the Annual Performance Evaluation. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 29

CONSIDERATION AND ADOPTION OF BUDGET FOR CALENDAR YEAR 2021

Ms. Jenkins outlined the proposed budget for calendar year 2021. She said Ms. Mastroluca, Mr. Cousineau and she had held long discussions regarding the projections for the income, particularly considering some uncertainty in the economy coming up in 2021, and decided on a conservative projection of 4% growth in the Board's licensee base. Therefore, these numbers are based on those projections, and the total income projected is \$5,426,000.00.

Ms. Jenkins then outlined the proposed expenses. She explained the largest portion of the Board's expenses are the personnel expenses, and emphasized there will be no cost-of-living or merit increases in 2021. Following the personnel section are travel expenses, inside and outside of the state, and then the general operating expenses. The total operating expenses are projected to be \$1,141,700.00, and total projected expenses for the year are \$5,331,800.00. This will give the Board a net ordinary income for the year of \$94,200.00. The interest projections are very low because the market is very low for interest, and the net income projected is \$109,200.00.

Ms. Mastroluca said that trying to write a budget for 2021, after what this year has looked like, is a big challenge, especially this one with so many moving parts, and commended Ms. Jenkins for doing such a great job.

Dr. Havins asked whether the Board should consider going back to \$800 for renewal fees from the current \$750 for physicians.

Ms. Jenkins said she did not think there was a need for it at this time.

Mr. Cousineau said that based on the projections, which are based on the current renewal fees, he thinks the Board will be able to expand its personnel significantly and continue to build its fiscal reserves. However, if there is a desire by the Board for the 2023 renewal cycle, or before, to revisit the fees, we will do so.

Ms. Jenkins said she would like to remind the Board that we are still hovering a little over 5 months in reserves, and our goal is between 6 and 12. She expects the Board to perform well on this budget in the next year and continue to add to its reserve.

Ms. Mastroluca moved that the Board approve the budget as presented. Dr. Havins seconded the motion, and it passed unanimously.

Agenda Item 30

STAFF COMMENTS/UPDATES

Mr. Cousineau said he believed the Board members had received the letter from the Sunset Subcommittee of the Legislative Commission dated October 22 of this year. In it, it talks about the two actions taken and the current recommendations that were made by the Sunset Subcommittee. The first is to encourage recruitment of Black, Indigenous and other persons of color as members of regulatory bodies. He said he likes to think this Board is fairly well-represented with people of color. Of course, we will continue to try to expand that footprint, but he thinks the Board represents well overall. The second is to make sure regulatory bodies comply with controlling health standards when conducting their business. He said he believes the Board's processes that have been put in place since the onset of the pandemic have been pragmatic and reflective to the current environment. Of course, as those may change, the Board may make adjustments. However, he is pleased at the Board's response. He said the Board has also taken the time to ensure that its licensees receive any communications, either from the Board or, more importantly, from health districts or the State of Nevada as to recommendations regarding how to handle the COVID-19 pandemic.

Mr. Cousineau said he had not yet received the findings of the Federation of State Medical Boards (FSMB) audit, but from speaking with the FSMB, he anticipates it will have that in place no later than the end of the year. Once he receives it, barring any concern that it might not be able to be disseminated before the Legislative Commission reviews it, he will provide it to the Board members. He anticipates the results to be favorable.

Ms. Bradley said staff had spoken to the contractor that is doing the build-out of the space in Las Vegas earlier in the day, and they are planning to finish on Monday. Once the space is completed, there are other things that need to be done to make sure the Board has what is necessary for phones, Internet, etc. Staff is working on those pieces, and anticipates moving into the new space in January.

With regard to the transition to the new database software, Ms. Bradley explained staff is planning to be live with the new system this month. We will have to freeze the current system on December 7, and there will be a time period when people will go online to verify a licensee, and it will not be current – it will be as of December 7– until we are live with the new system. Everything that occurred at the meeting today will be uploaded by Monday, at 5 p.m., and will be available for the public to view. Once the new system is live, staff will notify the Board and the Board’s licensees.

Agenda Item 31
PUBLIC COMMENT

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

Dr. Nagy said he wanted to acknowledge the work of Dr. William Baumgartl, a Las Vegas physician, who published a paper in conjunction with Stanford University in the *American Society for Microbiology*, which demonstrates the efficacy of the measles-mumps-rubella vaccine in protecting against COVID-19.

Agenda Item 32
ADJOURNMENT

Dr. Prabhu adjourned the meeting at 2:03 p.m.

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