

AGENDA ITEM 3(a)

APPROVAL OF MINUTES

**JUNE 4, 2021 BOARD MEETING –
OPEN SESSION**

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

and Videoconferenced to

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

FRIDAY, JUNE 4, 2021 – 8:30 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., Senior Deputy General Counsel
Aaron Bart Fricke, J.D., Senior Deputy General Counsel
Donald K. White, J.D., Deputy General Counsel
Brandee Mooneyhan, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Ernesto Diaz, Chief of Investigations
Lynnette Daniels, Chief of Licensing
Michael D. Detmer, J.D., 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 8:34 a.m.

Mr. Cousineau took roll call, and all Board members were present with the exception of Ms. Arias-Petrel. Mr. Cousineau announced there was a quorum.

Dr. Prabhu recognized Chief of Licensing Lynnette Daniels for her long-term service to the Board of 20 years.

Dr. Prabhu stated this would be the last time he would preside over a quarterly Board meeting of the Board of Medical Examiners. He had been a member of the Board for the last 8 years, and it had been a pleasant journey. He said he thinks of all the Board members, past and present, who make this all possible, as well as the outstanding staff the Board has had for the last 8 years. Mr. Cousineau has done a tremendous job, he has been the best Executive Director the Board has ever had, and he put Nevada on the map with his role on the Interstate Medical Licensure Compact. He thanked Ms. Daniels for doing a tremendous job, and said she also put us on the map through her role with the United States Medical Licensing Examination. He then thanked Mr. Diaz, Mr. Tuioti, the Legal Division team, Ms. Jenkins, and the rest of the staff.

Ms. Arias-Petrel joined the meeting at 8:38 a.m.

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

- March 5, 2021 Board Meeting – Open/Closed Sessions

Dr. Edwards moved that the Board approve the Minutes of the March 5, 2021 Board Meeting – Open/Closed Sessions. Ms. Mastroluca seconded the motion, and it passed unanimously.

Agenda Item 4

LEGISLATIVE UPDATE

Keith L. Lee, Esq., the Board's legislative representative, said he had enjoyed working with Dr. Prabhu, as well as with Mr. Duxbury, throughout his tenure working with the Board. He said he would miss working with them personally, as well as professionally, and wished them luck in the future. He said it had been an interesting session. They were unable to be in the legislative building in any way, shape or form until after April 16, and even then, it was limited until the last 10 days, when it was essentially open with free access to virtually everywhere in the building. He said those circumstances presented some additional challenges to everyone.

Mr. Lee then highlighted 3 bills that passed that were of general importance to all Nevadans regarding funding for education, civil traffic violations and a public health insurance option.

Mr. Lee then highlighted 8 bills that passed that will affect the Board directly or indirectly. SB184 provides for dual licensure of physician assistants by the Board of Medical Examiners and the Board of Osteopathic Medicine. SB196 prohibits pelvic examinations under certain circumstances. AB442 requires at least 2 hours of training in "screening, brief intervention and referral" for substance abuse disorders within 2 years of initial licensure. AB327 mandates 2 hours of biennial training for psychiatrists and physician assistants who practice under psychiatrists with respect to cultural competency, diversity, equity and inclusion.

Mr. Lee explained there were 2 bills that deal with data collection from physicians, AB278 and SB379. Both of those mandate that the Department of Health and Human Services create a questionnaire and provide a link to the Board of Medical Examiners to put on its renewal applications to collect responses from physicians to the questionnaires. It will be voluntary for the physicians to answer the questions on the questionnaires, and failure to do so will not prevent them from renewing their license or result in disciplinary action. The responses will be kept confidential.

Mr. Lee said that SB211 requires certain healthcare providers in emergency situations to consult with a patient who is 15 years or older as to whether he or she wishes to be tested for sexually transmitted diseases. SB5 expands the definition of telehealth to include the delivery of services to a patient at a location different from the provider through synchronous or asynchronous and audio only facilities. It also puts reimbursement rates for telehealth visits on par with office visits.

Dr. Havins thanked Mr. Lee for his always excellent review of the bills and his great work at the Legislature. He then asked whether SB335 had passed, and if so, whether it would have any effect on the Board. Mr. Lee stated SB335 was a bill that created a super agency that would provide services to all of the Boards, with some exceptions, and it did not pass.

Dr. Frey asked Dr. Lee to comment on the bill for reconstitution and repositioning of the Patient Protection Commission. Mr. Lee said they didn't follow that bill because it didn't affect their clients directly. However, the Patient Protection Commission was previously under the purview of the Governor's Office, and under the current legislation, it has been shifted to the Department of Health and Human Services, and its composition has changed somewhat as to the individuals who will serve on the Commission. He said he would send Mr. Cousineau a more detailed explanation.

Agenda Item 5

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

This matter was not discussed at the meeting.

Agenda Item 6

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

This matter was not discussed at the meeting.

Agenda Item 7

CONSIDERATION OF REQUEST OF VICTOR RONALD BRUCE, M.D., FOR REMOVAL OF CONDITIONS/RESTRICTIONS ON HIS MEDICAL LICENSE

Dr. Bruce was present with his legal counsel, John A. Hunt, Esq.

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

Mr. Hunt said that throughout Dr. Prabhu's stewardship over the Board, he had protected the public, had been fair, and had provided due process to the Board's licensees, and no one could ask for more. He said he really appreciated all of Dr. Prabhu's years of service.

Mr. Hunt then explained the circumstances surrounding the incidents that led to Dr. Bruce serving 36 months in prison. He said that Dr. Bruce has been an incredible, kind and compassionate member of the community and has done everything humanly possible to get back on his feet. He has done everything the Board has requested of him.

Dr. Bruce said he is fully aware of his limitations and restrictions, particularly that the Office of the Inspector General has excluded him from working in any capacity at any facility that

accepts federal funds. He knows he needs to adapt and start small. He has a good following of patients who have trusted him over the years, and he intends to begin with a small private practice. He knows he cannot prescribe controlled substances until the Board allows him to do so again, and he will refer patients who need those prescriptions to a provider who is authorized to prescribe them. He said he had completed his federal probation on May 17, 2021.

Mr. Fricke stated that Dr. Bruce currently held a license, but there were conditions on it. Dr. Bruce's federal program exclusion is for 5 more years, and he currently had no DEA number, so he could not obtain a controlled substance license from the Board of Pharmacy. Mr. Fricke said as Mr. Hunt had indicated in his presentation, this is kind of the first step on the road to Dr. Bruce rehabilitating himself, and he will remain constrained in his practice.

Dr. Nagy asked Dr. Bruce to explain what it was that led him to make the decisions he did, and what he had learned during this period of time that will help him avoid making those decisions going forward.

Dr. Bruce described the circumstances surrounding his decision to do what he did, and said he would never do that again, and would make sure he will see every patient in a formal setting and perform a history and physical before prescribing anything.

Mr. Duxbury moved that the Board lift the conditions on Dr. Bruce's license. Ms. Arias-Petrel seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 8

CONSIDERATION OF REQUEST OF MORTON ISAAC HYSON, M.D., FOR REMOVAL OF CONDITION ON HIS MEDICAL LICENSE

Dr. Hyson was present with his legal counsel, John H. Cotton, Esq.

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

Mr. Cotton stated that Dr. Hyson was asking the Board to vacate its December 4, 2020 order of discipline, remand the matter to the Investigative Committee for future handling, and issue Dr. Hyson an unconditional license to practice medicine in the State of Nevada. He said at the time the December 4, 2020 order was entered, no one could have foreseen the personal and professional devastation that would come to Dr. Hyson.

Mr. Cotton explained that once the order was entered, Dr. Hyson was mandated to notify other state boards that he now held a conditional license, most of which have refused to relicense him. He was also mandated to report the conditions to all healthcare providers and plans to whom he provided neuromonitoring services. All of them have indicated that as long as he has any kind of restriction on his license, they will not allow him to get back onto their plans. Dr. Hyson had intended to shift over completely to neuromonitoring and no longer maintain a neurological practice in Las Vegas at all. That is still his intent, if he can get back onto these plans. Mr. Cotton stated the condition on Dr. Hyson's license is also being brought up in depositions in cases in which he is an expert witness.

Mr. Cotton said that Dr. Hyson is complying with, and will continue to comply with, the Board's original expectations, and the Board's investigators can, at any time, check to verify that Dr. Hyson is doing so. It does not need to be a condition on his license for him to comply or for the Board to check on him. Lifting this condition would give Dr. Hyson a chance to salvage his career and reputation.

Mr. Cousineau stated the Board's expectation would still exist; however, it would not be a condition on Dr. Hyson's license. He said Dr. Hyson was asking for a clean license on paper, but he was still willing to comply with the expectation that a chaperone will be present when he sees female patients, which will be documented in the medical records, and the Investigations Division will be able to verify his compliance.

Dr. Frey asked how Dr. Hyson planned to continue practicing in the event the Board lifted the condition.

Dr. Hyson said he would continue, as he had for the past five years, to have a female chaperone in the room at all times when he sees female patients. He said it makes sense in this day and age to do so. He said he never thought this stipulation would affect his neuromonitoring practice to the extent that it has, which has been devastating.

Dr. Muro moved that the Board remove the condition and remand the matter back to the Investigative Committee to address it further to determine how to come to an accommodation that addresses the Board's original concerns. Ms. Mastroluca seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 9

REPORTS

(a) Investigative Committees

Mr. Duxbury reported that at its May 14, 2021 meeting, Investigative Committee A considered 136 cases. Of those, the Committee authorized the filing of a formal complaint in 8 cases, sent 19 cases out for peer review, requested an appearance in 4 cases, issued 49 letters of concern, referred 11 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 45 cases.

Dr. Muro reported that at its May 11, 2021 meeting, Investigative Committee B considered 147 cases. Of those, the Committee authorized the filing of a formal complaint in 7 cases, sent 24 cases out for peer review, requested an appearance in 5 cases, issued 34 letters of concern, referred 5 cases back to investigative staff for further investigation or follow-up, reviewed 1 case for compliance, and recommended closure of a total of 71 cases.

(b) Nevada State Medical Association

No report was presented at the meeting.

(c) Clark County Medical Society

No report was presented at the meeting.

(d) Washoe County Medical Society

Mary Ann McCauley, Executive Director of the Washoe County Medical Society (WCMS), reported that the WCMS was currently doing some introspective work. It is looking at different ways to restructure its Board to make it more efficient and effective, and make the best use of its leadership's time. WCMS has approved a new fee structure for physicians who are newly licensed in Nevada, regardless of how long they have been practicing elsewhere, and is waiting for the Nevada State Medical Association to address it at its August Board meeting. WCMS will be holding a garden party on June 12, 2021, and presenting its annual awards at that time. They are expecting about 200 people at this event, as there is a lot of enthusiasm for it.

Agenda Item 10

CONSIDERATION OF STIPULATION AND ORDER OF REVOCATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RONALD HOPE FOOTE, M.D.*, BME CASE NO. 19-12899-1

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

Mr. Fricke explained that on September 6, 2019, the Board approved a Settlement Agreement with Dr. Foote whereby it found that Dr. Foote committed 8 violations of the Nevada Medical Practice Act, including disreputable conduct, violation of Pharmacy Board regulations, violation of standards of practice and failure to maintain records. As the Board was well aware, Dr. Foote had been disciplined by the Board numerous times over the past 15 years. Accordingly, in light of his previous violations, in addition to the new violations, the Board ordered that Dr. Foote's license be revoked, with the revocation stayed and his license placed on probation for a period of 60 months subject to several terms.

Mr. Fricke stated that thereafter, Board staff received evidence that Dr. Foote may have violated the Settlement Agreement in 2 respects. Consequently, pursuant to the Settlement Agreement, Investigative Committee A authorized the filing of a Notice of Violation of Board Order and Order to Show Cause on Revocation of Licensure. Dr. Foote was served with the Notice and Order to Show Cause. Following extensive discussions with Dr. Foote and his counsel, on April 14, 2021, the Investigative Committee and Dr. Foote entered into a Stipulation and Order of Revocation. Mr. Fricke then described the terms of the proposed Stipulation and Order of Revocation, which included lifting of the stay of revocation, and revocation of Dr. Foote's license.

Ms. Mastroluca moved that the Board approve the proposed Stipulation and Order of Revocation. Dr. Frey 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. GAIL POPELKA KRIVAN, M.D.*, BME CASE NO. 21-11804-1

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

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

Dr. Edwards moved that the Board approve the proposed Settlement Agreement. Dr. Nagy 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. JOHANNA SHOOP KOCH, M.D.*, BME CASE NO. 21-9748-1

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

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

Dr. Nagy moved that the Board approve the proposed Settlement Agreement. 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. RAFAEL OKAMOTO, M.D.*, BME CASE NO. 21-32089-1

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

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

Dr. Frey moved that the Board approve the proposed Settlement Agreement. Dr. Nagy 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. MUHAMMAD A. SYED, M.D.*, BME CASE NO. 21-30112-1

Dr. Syed was present with his legal counsel, Todd M. Weiss, Esq.

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

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

Dr. Frey moved that the Board approve the Settlement Agreement. Dr. Edwards seconded the motion.

Dr. Nagy recused himself from consideration of the matter.

A vote was taken on the motion, and it passed, with Dr. Nagy abstaining from the vote and the remaining 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. JOSE HIRAM ALVAREZ, M.D.*, BME CASE NO. 21-28177-1

This matter was not discussed at the meeting.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOSE HIRAM ALVAREZ, M.D.*, BME CASE NO. 21-28177-2

This matter was not discussed at the meeting.

Agenda Item 17

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SAJJAD EJAZ KAMBOJ, M.D.*, BME CASE NO. 21-12891-1

Dr. Kamboj was present with his legal counsel, John A. Hunt, Esq.

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

Mr. Kilroy stated that a formal Complaint had been filed against Dr. Kamboj alleging two violations 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. Muro 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. SAJJAD EJAZ KAMBOJ, M.D.*, BME CASE NO. 21-12891-3

Dr. Kamboj was present with his legal counsel, John A. Hunt, Esq.

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

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

Ms. Arias-Petrel moved that the Board adopt the Settlement Agreement. Ms. Mastroluca 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. QUINTON KEITH THOMAS, M.D.*, BME CASE NO. 21-20969-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Thomas alleging four violations of the Nevada Medical Practice Act, and 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 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. ARNOLD DANIEL CHUNG, M.D.*, BME CASE NO. 21-40241-1

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

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

Mr. Duxbury moved that the Board adopt the Settlement Agreement. Dr. Edwards seconded the motion.

Dr. Nagy said he found this case particularly troubling. Dr. Frey and Dr. Edwards said they shared Dr. Nagy's concerns.

A vote was taken on 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. VISHAL VERMA, M.D.*, BME CASE NO. 21-43525-1

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

Ms. Mooneyhan stated a formal Complaint had been filed against Dr. Verma alleging one violation 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. Havins seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 22

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that since the March 5, 2021 Board meeting, the Investigations Division had received approximately 396 complaints. Of those, 265 cases were opened as formal investigations, 52 were determined not to be not under the Board's jurisdiction, 56 were referred to other agencies and regulatory bodies, 9 were resolved through proactive measures, and 14 were either duplicate complaints or were still pending review. The total case count for 10 investigators, including the chief and the deputy chief, was 814 open investigations, which is an average of 81 per investigator. For 8 investigators only, the average caseload would be 92 each. He said there were a total of 132 peer reviews, 67 of which had been assigned and 65 which were pending assignment. There were currently 23 cases in Diversion.

Ms. Mastroluca thanked Mr. Diaz, and stated the changes that had occurred in the Investigations Division have been fabulous.

Mr. Duxbury added it had been wonderful working with Mr. Diaz and that Mr. Diaz was a great representative of the Board. He then asked how the caseload was trending.

Mr. Diaz stated the number of complaints decreased during the last quarter, and although the case counts were lower this past quarter, he thinks that is because the investigative processes have been streamlined.

Dr. Havins said in the time he has been on Investigative Committee B, there has been a substantial improvement in the ease and efficiency of reviewing the cases, and Mr. Diaz has done a great job.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the first quarter of 2021 was 8, for a total of \$45,951, and there were no collections written off during the quarter. The total costs outstanding at the end of the quarter were \$39,364, the total fines outstanding were \$12,500, and the total costs collected during the quarter were \$49,197.

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the first quarter of 2021. The Board's total assets were \$7.4 million, and the total liabilities and net position were also \$7.4 million.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the first quarter of 2021. Total income for the quarter was nearly \$1.5 million, which was 4.3% over budget. Total personnel expenses were at 85.4% of budget, total operating expenses were at 87.3% of budget, and the Board had an increase in net position for the quarter of \$387,515.43.

Ms. Jenkins reported that the Board's reserves were almost at 5-1/2 months. She then thanked Linda Lang, the Board's Finance Assistant, and said she is doing a tremendous job. Ms. Jenkins stated the license renewal period was moving along very well, that she thinks the Board is ahead of where it normally is at this point during the renewal period, and although it has had its share of hiccups, it is really coming along well. The Board's total checking and savings were currently at almost \$7 million, which is what we would expect at this point in the renewal period. The financial audit for 2020 began this week, and we expect to have it completed and ready to present to the Board at its September meeting.

Ms. Jenkins expressed her appreciation to Ms. Mastroluca for her work as Secretary-Treasurer, and said it had been amazing and incredibly valuable to have had her advice and counsel. She then expressed her appreciation to Mr. Duxbury, as the Board's former Secretary-Treasurer, for all he did to help with the financial portion of the organization.

Mr. Duxbury said it had been an absolute pleasure working with Ms. Jenkins, and that her professionalism and the level of seriousness she takes with the finances cannot be understated. She has done a great job, and the Board is lucky to have her.

Ms. Mastroluca said she had enjoyed working with Ms. Jenkins and will miss her, and that Ms. Jenkins had taught her a lot as well.

(d) Legal Division Report

Ms. Bradley reported there were currently 182 cases in the Legal Division, there were 10 settlements before the Board at this meeting, and 5 cases had been dismissed by the Investigative Committees upon subsequent review. She then updated the Board with respect to the single pending civil court case in which the Board was currently involved. She said there were 142 cases that had been authorized for filing of a formal complaint that had not yet filed and 16 cases in which a formal Complaint had been filed that were in the hearing process. One case had been returned to the Legal Division for noncompliance with a Settlement Agreement, there were 7 cases with complaints that had been filed since the last Board meeting, and 88 letters of concern were approved by the Investigative Committees during May of 2021.

(e) Report on Status of Processing 2021-2023 Biennial Licensure Registration Renewals and Update Regarding Governor Sisolak's Emergency Directive 011

Ms. Daniels reported that the 2021 renewals period was launched on May 4, 2021. To date, the Board had renewed 8,670 licenses, with about 4,300 to go. She said it had been a challenging process, but the Board has been receiving feedback that it is an easier renewal process for the Board's licensees. There were some hiccups in the beginning, but she thinks those hiccups are over for the most part. She thanked Deputy Chief of Licensing Curt Worden and the rest of her team for their efforts and hard work.

Dr. Frey said that we all have a desire to make things better, but we suffer IT issues in aggregate daily, which are beyond our control, and it is a real challenge.

Dr. Edwards added it is the rare new system that you bring on board that just flows smoothly. He said he remembers hearing way back when he first came to Nevada that it took six months to get a license in Nevada, but that is definitely not the case, and that is due to Ms. Daniels and her team. He said he liked the new IT system, and thinks it is going to continue to get better as it goes.

Dr. Prabhu thanked Ms. Daniels and her team for the great job she has done over the years.

Ms. Daniels thanked Dr. Prabhu, Mr. Duxbury and Ms. Mastroluca for all they have contributed to Board staff and to the citizens of Nevada.

Mr. Cousineau explained that the licenses of those who have not renewed will expire 60 days after Governor Sisolak's Executive Directive 011 is lifted. He said staff had hoped it would have been lifted by May 1, 2021, so the conclusion of the 60-day period would coincide with the normal June 30 license expiration date; however, obviously, that was not the case. Therefore, those who have not renewed will not be put into expired status until the expiration of that 60-day period. The Board has received 3,000 or more waivers under the Directive, which will become null and void, and he thinks a lot of those individuals may want to become licensed to continue to be able to practice in the State. He said he was happy the new database system was starting to bear some fruit, that he thinks we have gotten most of the bugs out, and that he was glad to hear that the Board members who have used it have had mostly positive results.

Dr. Havins asked whether the Board had received a significant number of complaints involving those who are practicing under the waivers.

Mr. Cousineau said he didn't believe the Board had received a significant number; however, the concern with the waivers is that the Board doesn't have jurisdiction over those individuals.

Agenda Item 23

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 5, 2021 Board Meeting

Dr. Havins moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the March 5, 2021 Board Meeting. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 24

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Kent Alan Swaine, M.D.

This matter was not discussed at the meeting.

(b) Manpreet Kaur Singh, PA-C

This matter was not discussed at the meeting.

(c) John Raymond Bauer, M.D.

Dr. Prabhu asked Dr. Bauer 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 questioned Dr. Bauer regarding his affirmative responses to Questions 5 and 5a on his Uniform Application for Licensure.

Dr. Bauer described the circumstances surrounding the three cases of malpractice that had been filed against him that resulted in settlements.

Dr. Edwards stated that Dr. Bauer had indicated his desire was to return to Nevada and practice telemedicine.

Dr. Bauer said he had decided to retire from clinical practice in March of 2020, when his corporation signed a contract to provide services for Teledoc, and they asked him if he was interested in practicing telemedicine on a part-time basis.

Dr. Muro stated that Dr. Bauer was initially certified by the American Board of Internal Medicine in 1985, and, at that time, there was a lifetime certification. He asked Dr. Bauer if he had participated in any maintenance of certification, and Dr. Bauer stated he had not.

Ms. Daniels stated Dr. Bauer meets the examination requirements because he is grandfathered in his boards and has practiced clinical medicine the past five years.

Dr. Edwards moved that the Board grant Dr. Bauer's application for licensure. Dr. Havins seconded the motion, and it passed, with Ms. Mastroluca and Dr. Muro voting against the motion, and all remaining Board members voting in favor of the motion.

(d) Jason Michael Bellak, M.D.

Dr. Prabhu asked Dr. Bellak 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. Bellak had a number of issues in his remote past that were personally pretty dramatic, but he had worked through those issues in aggregate. He had attended a program between 2005 and 2010, where he was very closely monitored, and he had completed that with great success. Dr. Frey asked Dr. Bellak to summarize some of the challenges he had overcome, which appeared to be pretty significant.

Dr. Bellak stated he hoped to move to the Reno-Sparks area and work with Dr. Boris Lokshin at Allergy and Asthma Associates. He is a native Nevadan, and his family, including his parents, still live in the Las Vegas area. He said the events that occurred between 2003 and 2005 were extraordinarily bad. He said none of the issues he had ever spilled over into patient care, but they were certainly unprofessional. He holds active licenses in Wisconsin, Oklahoma and Arizona.

Ms. Mastroluca asked Dr. Bellak what he was currently doing to ensure that he does not relapse and go back into his previous lifestyle.

Dr. Bellak explained that his life is completely different, and he has a church that is his strength, as well as a stable marriage and family life. He no longer attends counseling, but he takes medication for depression, as depression was a component of his previous issues. He also attends 12-step meetings.

Dr. Edwards advised Dr. Bellak that if he were to be granted a license to practice medicine in Nevada, he should make himself very well aware of what the Model Policy requires for prescribing narcotics, even though he probably will not be prescribing many.

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

Agenda Item 25

CONSIDERATION AND APPROVAL OF 2020 BOARD ANNUAL REPORT

Mr. Cousineau highlighted some of the items contained in the proposed 2020 Board Annual Report. He said we all know what kind of year 2020 was, but the Board in every facet was able to continue on, and actually excel in its daily operations. The legal numbers were down, but that was due to difficulty in coordinating settlements, appearances, hearings and the like, due to COVID restraints, but he is still proud of the Legal Division. When it comes to licensing, the times to license are very impressive, especially in light of the staff dynamics during the first two or three months of the pandemic, when we did not have the ability to work full shifts. He said it was wonderful work by the Licensing Division. The numbers in all licensure categories increased in 2020 over 2019, and we anticipate this will continue. The Investigations Division continued their efforts as well, and, as Mr. Diaz indicated, numbers have actually gone down due to the changes that he and his staff have put into place.

Mr. Duxbury moved that the Board approve the 2020 Board Annual Report. Dr. Edwards seconded the motion, and it passed unanimously.

Agenda Item 26

ELECTION OF OFFICERS AND APPOINTMENT OF INVESTIGATIVE COMMITTEE MEMBERS

Mr. Cousineau explained that those Board members elected to the offices of Vice President and Secretary-Treasurer will take office effective July 1, 2021, after Mr. Duxbury's and Ms. Mastroluca's terms end on June 30, 2021. The Board member elected to the office of President will take office effective August 31, 2021, after Dr. Prabhu's term ends on August 30, 2021.

Ms. Arias-Petrel nominated Dr. Muro for President. Dr. Edwards seconded the nomination. No other nominations were received, and Dr. Muro was elected President.

Dr. Muro nominated Dr. Nagy for Vice President. Dr. Edwards seconded the nomination. No other nominations were received, and Dr. Nagy was elected Vice President.

Ms. Mastroluca nominated Dr. Edwards for Secretary-Treasurer. Mr. Duxbury seconded the nomination. No other nominations were received, and Dr. Edwards was elected Secretary-Treasurer.

Dr. Prabhu appointed Dr. Frey as the Chair of Investigative Committee A. Dr. Edwards will remain the other physician member on Investigative Committee A, and the public member position will remain open, to be filled by Mr. Duxbury's replacement once he or she has been appointed by the Governor. Dr. Muro will remain the Chair of Investigative Committee B, Dr. Havins will be the other physician member, and Ms. Arias-Petrel was appointed as the public member on Investigative Committee B.

Agenda Item 27

STAFF COMMENTS/UPDATES

Mr. Cousineau said there will be a dinner for the outgoing Board members, Dr. Prabhu, Mr. Duxbury and Ms. Mastroluca, on September 9, 2021, most likely at the House of Blues Foundation Room, at which we will take time to acknowledge the contributions of all three of these Board members. The September Board meeting will be held in Las Vegas, as will the December Board meeting, barring any concerns by the incoming Board President.

Mr. Cousineau explained that the Legislative Counsel Bureau audit is ongoing, and we do not have a timeline as to when that will be completed. As Ms. Jenkins indicated earlier, the annual financial audit work commenced just recently, and we should have the results for the Board at the September meeting.

Mr. Cousineau stated that effective the following Monday, Mr. Fricke would be promoted to General Counsel, as an acknowledgement for his efforts and hard work over the last several years. Ms. Bradley will still be leading the Legal Division.

Ms. Arias-Petrel said she wanted to extend an invitation to the Board members and her colleagues to the Sandy Peltyn Foundation of Excellence event on September 17, 2021, at the Westgate in Las Vegas, at which Dr. Prabhu will receive the highest honor, as the first recipient of the Sandy Peltyn Foundation of Excellence Award.

Agenda Item 28

PUBLIC COMMENT

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

Dr. Muro said it had been a pleasure and very rewarding to have served with Dr. Prabhu, Mr. Duxbury and Ms. Mastroluca. He thanked them as a Board member and as a member of the public for their work ethic and for all they have contributed.

Dr. Edwards said he was proud to be a member of the Board and that the physicians, as well as the citizens, have been well-represented and well-protected under Dr. Prabhu's, Mr. Duxbury's and Ms. Mastroluca's leadership.

Dr. Nagy said he wanted to thank all three of them for their wisdom, their leadership, their integrity, and their love for the State of Nevada.

Mr. Duxbury said as a public member, he could not have had better mentorship from all the Board members, and thanked them.

Ms. Mastroluca thanked Dr. Prabhu for his leadership, and said he had helped elevate the Board, and helped support the staff. She then thanked the staff, and said the job as a Board member would be impossible without all of them and the work that they do.

Agenda Item 29
ADJOURNMENT

Dr. Prabhu adjourned the meeting at 10:52 a.m.

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AGENDA ITEM 3(b)

APPROVAL OF MINUTES

**JULY 9, 2021 BOARD MEETING –
OPEN SESSION**

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 Teleconferenced to

the Conference Room at the Offices of the
Nevada State Board of Medical Examiners
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

FRIDAY, JULY 9, 2021 – 12:00 NOON

Board Members Present at Board Office in Reno
Col. Eric D. Wade, USAF (Ret.)

Board Members Present at Board Office in Las Vegas
None

Board Members Present by Telephone
Rachakonda D. Prabhu, M.D., President
Ms. Maggie Arias-Petrel, Secretary-Treasurer
Victor M. Muro, M.D.
Weldon Havins, M.D., J.D.
Ms. Pamela J. Beal

Board Members Absent
Aury Nagy, M.D., Vice President
Bret W. Frey, M.D.
Chowdhury H. Ahsan, M.D., Ph.D., FACC

Staff/Others Present at Board Office in Reno
Edward O. Cousineau, J.D., Executive Director
Donya Jenkins, Finance Manager
Laurie L. Munson, Chief of Administration and Information Systems

Staff/Others Present by Telephone
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, and all Board members were present with the exception of Aury Nagy, M.D, Bret W. Frey, M.D. and Chowdhury H. Ahsan, M.D., Ph.D., FACC. 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

ELECTION OF BOARD SECRETARY-TREASURER

Dr. Muro nominated Ms. Arias-Petrel for Secretary-Treasurer. Dr. Prabhu seconded the nomination. No other nominations were received. A vote was taken on the nomination, and Ms. Arias-Petrel was elected Secretary-Treasurer by unanimous vote.

Agenda Item 4

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 5

ADJOURNMENT

Dr. Prabhu adjourned the meeting at 12:07 p.m.

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