

NEVADA STATE BOARD OF MEDICAL EXAMINERS

1105 Terminal Way, Suite 301
Reno, NV 89502-2144

Michael J. Fischer, 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
1105 Terminal Way, Suite 301, Reno, Nevada 89502

and videoconferenced to

the Conference Room at the Offices of the Nevada State Board of
Medical Examiners/Nevada State Board of Dental Examiners
6010 S. Rainbow Boulevard, Building A, Suite 1, Las Vegas, Nevada 89118

FRIDAY, SEPTEMBER 9, 2016 – 8:30 a.m.

Board Members Present

Michael J. Fischer, M.D., President
Rachakonda D. Prabhu, M.D., Vice President
Wayne Hardwick, M.D., Secretary-Treasurer
Theodore B. Berndt, M.D.
Sandy Peltyn
Victor M. Muro, M.D.
M. Neil Duxbury
April Mastroluca
Aury Nagy, M.D.

Board Members Absent

None

Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Todd C. Rich, Deputy Executive Director
Robert Kilroy, J.D., General Counsel
Jasmine K. Mehta, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Pamela J. Castagnola, CMBI, Chief of Investigations
Lynnette L. Daniels, Chief of Licensing
Donya Jenkins, Finance Manager
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 Michael J. Fischer, M.D., at 9:12 a.m.

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

Dr. Fischer welcomed new Board member, Aury Nagy, M.D. He stated Dr. Nagy had indicated a desire to observe this meeting, and not actively participate in the meeting, but that he was welcome to participate if he chose to.

Mr. Cousineau introduced the Board's new Deputy General Counsel, Jasmine K. Mehta, J.D.

Agenda Item 2

PUBLIC COMMENT

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

Weldon Havins, M.D., J.D., said he wanted to publicly compliment Mr. Cousineau, particularly on his participation in the Governor's Summit on Opioids. He thought Mr. Cousineau represented the Board, patients in Nevada and Nevada physicians very well. He said he was glad to see the Board of Pharmacy statutes on this meeting's agenda. He believes the Board needs the authority to suspend an individual's ability to prescribe a controlled substance, or even suspend a portion of the individual's ability to prescribe controlled substances, without suspending the individual's license entirely. This would require a legislative change, and he hopes the Board will consider putting that forth as a legislative initiative. The Board responds to complaints, but it may be time to take a step forward and become more proactive. With SB459, the Board now has authority to access the prescription database, so it can determine within a category of practice whether it appears a physician or two are writing excessive prescriptions. He hopes the Board will consider this, as he thinks that would be helpful, and also address physicians from a non-punitive education point as an initial step. He is very happy to see the Board now has four investigators in the south, as more than 70% of the physician population is in the south and, he would guess, on a per-capitol basis more than 70% of the problems occur in the south. It would also be helpful to

have an attorney in the south, and the Board may want to consider having the Deputy Executive Director there as well. Todd Rich is highly regarded and very well respected in the south, and it would say something about the Board's engagement in the south to have the Deputy Executive Director there.

Agenda Item 3

APPROVAL OF MINUTES

- June 3, 2016 Board Meeting – Open/Closed Sessions

Dr. Prabhu moved that the Board approve the Minutes of the June 3, 2016 Board Meeting – Open/Closed Sessions. Ms. Peltyn seconded the motion. Dr. Berndt and Ms. Mastroluca both stated they were abstaining from the vote since they were not present at the June 3, 2016 meeting. A vote was taken on the motion and it passed, with all other participating Board members voting in favor of the motion.

Agenda Item 4

CONSIDERATION OF REQUEST OF MOHAMED SALEH, M.D. FOR REMOVAL OF CONDITION ON HIS MEDICAL LICENSE

Dr. Saleh appeared in Las Vegas. Matthew Okeke, M.D., Dr. Saleh's preceptor, was present with Dr. Saleh.

Dr. Saleh stated he had completed his preceptorship and was requesting that the Board issue him an unrestricted license.

Dr. Fischer asked Dr. Saleh about his DEA license, and Dr. Saleh stated he had one. Ms. Daniels explained that he received his DEA license about midstream during his preceptorship. She added that Dr. Saleh had completed his six-month preceptorship and the preceptorship reports had been very positive.

Dr. Prabhu moved that the Board grant Dr. Saleh's request for removal of the condition on his medical license. Dr. Hardwick seconded the motion and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 5

CONSIDERATION OF REQUEST OF KARL FAZEKAS, M.D. FOR MODIFICATION OF THE TERMS OF HIS CURRENTLY EXISTING SETTLEMENT AGREEMENT WITH THE NSBME, SPECIFICALLY TO REDUCE THE AMOUNTS OF THE FINE AND ADMINISTRATIVE COSTS DUE TO THE BOARD

This item was not discussed at the meeting.

Agenda Item 6

CONSIDERATION OF REQUEST FOR APPOINTMENT OF AMIE DUFORD, PA-C AND CLAIR "BART" ANDERSON, JR., PA AS REPLACEMENT PHYSICIAN ASSISTANT ADVISORY COMMITTEE MEMBERS

Janet Wheble, PA-C, Physician Assistant Advisory Committee Member, introduced Amie Duford, PA-C, and Clair "Bart" Anderson, Jr., PA, and recommended them to fill the two vacancies on the Physician Assistant Advisory Committee. She stated that both would do a great job representing the profession and provide sound input on the issues that arise. Both have

reputations of professionalism and integrity, have held positions on the Nevada Academy of Physician Assistants Board, and are actively involved in their communities.

Dr. Prabhu moved to grant the request for appointment of Amie Duford, PA-C and Clair "Bart" Anderson, Jr., PA, as replacement Physician Assistant Advisory Committee members. Dr. Berndt seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 7

REPORTS

(a) Investigative Committees

Dr. Hardwick reported that at its August 19, 2016 meeting, Investigative Committee A considered 141 cases. Of those, the Committee authorized the filing of a formal complaint in 11 cases, sent 14 cases out for peer review, requested an appearance in 15 cases, issued 28 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up and recommended closure of a total of 70 cases.

Dr. Prabhu reported that at its August 9, 2016 meeting, Investigative Committee B considered 100 cases. Of those, the Committee authorized the filing of a formal complaint in 3 cases, sent 10 cases out for peer review, requested an appearance in 4 cases, issued 26 letters of concern, referred 6 cases back to investigative staff for further investigation or follow-up and recommended closure of a total of 51 cases.

(b) Nevada State Medical Association Report

Weldon Havins, M.D., J.D., appeared on behalf of Catherine O'Mara, Executive Director of the Nevada State Medical Association (NSMA), and read her report to the Board. NSMA's annual meeting will be held the following weekend in Henderson and Dr. Havins will be installed as the new President. Some of the highlights of the meeting will include a poster contest with medical students, CME on the ethics of prescribing, and a Q & A with Mr. Cousineau. NSMA has been very involved in efforts to evaluate opiate prescribing and use in Nevada, and has made a commitment to educate physicians on pain management and substance abuse, so in addition to the CME at the annual meeting, NSMA held a very successful CME at St. Mary's, with over 120 attendees. NSMA will offer more CME in Las Vegas, which it plans to film and put on the website so physicians across the state will have access to it. The NSMA opiate task force, which is comprised of about 25 physicians in all specialties, has met regularly and is preparing some policy recommendations for the Governor. NSMA also participated in the Governor's Summit. NSMA is still working with the Board of Pharmacy to develop a new regulation to allow physicians to utilize nurses and medical assistants to send prescriptions electronically. The current regulations require prescribers to send prescriptions themselves, and the impact of this is a delay in delivery of medications to patients and also a challenge to Nevada physicians in meeting electronic requirements of meaningful use.

(c) Clark County Medical Society Report

Loretta Moses, Executive Director of the Clark County Medical Society (CCMS), thanked Dr. Neyland and said she had been a great ex-officio Board member on the CCMS Board. She welcomed Dr. Nagy, invited him to sit on the Board, and said she would send him information regarding its meetings. She reported that CCMS had held its installation of officers and

Dr. Souzan El-Eid is the new CCMS President. CCMS held its third annual Residents and Fellows Job Fair on August 17, which was very successful, with 50+ residents and fellows in attendance. CCMS held a strategic planning session on August 20, which was comprised of several health care stakeholders; participated in the Governor's Summit; and its Mini Internship Program will be held October 10-20. CCMS held a very successful medical marijuana symposium; the next will be a robotics symposium on October 15; and the prescription opioid CME will be held soon. CCMS will be videotaping each one of its CMEs and will be offering them online after the fact. CCMS is not in its new building yet, as it is still waiting to get power to the building.

Agenda Items 8 and 9

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MARYANNE PHILLIPS, M.D.*, BME CASE NO. 12-10032-1

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MARYANNE PHILLIPS, M.D.*, BME CASE NO. 14-10032-1

Neither Dr. Phillips nor her legal counsel was present.

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

Mr. Kilroy outlined the allegations contained in the Complaints filed against Dr. Phillips and the terms of the proposed Settlement Agreement, in settlement of both BME Case Nos. 12-10032-1 and 14-10032-1.

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

Agenda Item 10

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ROGELIO MACHUCA, M.D.*, BME CASE NO. 15-33896-1

This item was not discussed at the meeting.

Agenda Item 11

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LISA COHEN, M.D.*, BME CASE NO. 15-33456-1

Dr. Cohen was not present. Candace C. Herling, Esq. was present in Las Vegas as Dr. Cohen's legal counsel.

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

Mr. Kilroy outlined the allegations contained in the First Amended Complaint filed against Dr. Cohen and the terms of the proposed Settlement Agreement.

Dr. Muro moved that the Board accept the Settlement Agreement. Dr. Prabhu 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. MICHAEL MALL, M.D.*, BME CASE NO. 15-8666-1

Neither Dr. Mall nor his attorney was present.

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

Mr. Kilroy outlined the allegations contained in the Complaint filed against Dr. Mall and the terms of the proposed Settlement Agreement.

Dr. Muro moved that the Board accept the Settlement Agreement. Dr. Prabhu 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. JENNIFER MCKIM WILSON, M.D.*, BME CASE NO. 14-21994-1

Neither Dr. Wilson nor her attorney was present.

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

Mr. Kilroy outlined the allegations contained in the Complaint filed against Dr. Wilson and the terms of the proposed Settlement Agreement.

Dr. Muro moved that the Board adopt the Settlement Agreement. Dr. Hardwick 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. CARMEN JONES, M.D.*, BME CASE NO. 13-25251-1

Dr. Jones was not present. Jacob Hafter, Esq. was present in Las Vegas as Dr. Jones' legal counsel.

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

Mr. Kilroy outlined the allegations contained in the Complaint and First Amended Complaint filed against Dr. Jones and the terms of the proposed Settlement Agreement.

Discussion ensued regarding the fact that the terms of the Settlement Agreement did not include any disciplinary action against Dr. Jones.

Mr. Cousineau stated that the formal complaint and anything subsequent, including the settlement agreement, is a matter of public record.

Dr. Hardwick moved that the Board accept the Settlement Agreement. Ms. Peltyn 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. MARK GLYMAN, M.D.*, BME CASE NO. 16-7506-1

Dr. Glyman was not present. L. Kristopher Rath, Esq. was present in Las Vegas as Dr. Glyman's legal counsel.

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

Mr. Kilroy outlined the allegations contained in the Complaint filed against Dr. Glyman and the terms of the proposed Settlement Agreement.

Dr. Hardwick moved that the Board accept the Settlement Agreement. Dr. Berndt seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JAN THOMPSON, M.D.*, BME CASE NO. 15-11459-1

This item was not discussed at the meeting.

Agenda Item 17

CONSIDERATION OF ACCEPTANCE OF VOLUNTARY SURRENDER OF MEDICAL LICENSE OF NED STOUGHTON, M.D., LICENSE NO. 10960

Dr. Stoughton was not present.

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

Mr. Kilroy explained that Dr. Stoughton had submitted an affidavit seeking to surrender his Nevada license to practice medicine pursuant to NAC 630.240, which requires the Board's approval.

Mr. Cousineau stated the surrender would be irrevocable and permanent.

Mr. Duxbury moved that the Board accept the voluntary surrender of Dr. Stoughton's license. Dr. Hardwick seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 18

CONSIDERATION AND ACTION REGARDING LEGISLATIVE INITIATIVES FOR 2017 LEGISLATIVE SESSION

Mr. Cousineau stated that before the Board was a list of proposed legislative initiatives for which staff was seeking authorization to proceed in the 2017 legislative session. He explained the Board did not yet have a specific sponsor, but that it would likely be Dr. Hardy, who had assisted

the Board with its bills during the last two sessions. During public comment, Dr. Havins spoke about some legislation relating to prescribing. The major allied health boards have held meetings in response to some of the concerns that have arisen as a result of the opioid crisis, and have been articulated by the Governor and others, and have submitted to Mike Willden, Chief of Staff for Governor Sandoval, some potential statutes that would assist various boards in further addressing the crisis. Many things included in those proposals are already in place in this Board's Medical Practice Act, but some of the smaller boards do not necessarily have them, so the intent is to come up some proposed legislation that would be uniform and would give all the boards the ability to investigate and prosecute in instances where improper opioid prescribing is involved.

Mr. Cousineau then outlined the remaining proposed legislative initiatives, which included:

1. To authorize the Board to take short-term possession of medical records in extraordinary circumstances, such as when a licensee passes away suddenly or becomes incarcerated, and use Board funds to find a third-party medical record custodian, who would then facilitate disseminate of those records.
2. To clarify that the Executive Director is authorized by the Board to make changes to the Board's website without having to first obtain authority from the full Board to do so.
3. To add physician assistants, respiratory therapists and perfusionists to the statute regarding reporting of disciplinary actions on the Board's website. The statute currently only requires reporting with respect to physicians.
4. To change language in the statutes requiring the Board to fine licensees for failing to report an address change within 30 days from "shall" to "may," and change the term "registrant" to the more commonly used term, "licensee."
5. To add clarifying language to the statute regarding volunteer licenses because the currently existing language is somewhat confusing.
6. To add language to the statute requiring that a licensee report to the Board disciplinary action taken against the licensee by another jurisdiction to exclude disciplinary action that originates from disciplinary action taken by this Board.
7. For years, the Board has been required to be the repository for the A and B forms and sentinel events [related to in-office surgeries]. They serve no purpose for the Board; the statistics are just compiled and provided to the Health Division. Staff would like to see the Board divested of those responsibilities.

With respect to the proposed legislative initiative regarding medical records, Ms. Mastroluca said she wanted to confirm whether the language would be "may" or "shall," and Mr. Cousineau confirmed it would be "may."

Ms. Mastroluca moved that the Board approve the proposed legislative initiatives. Dr. Prabhu seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 19

DISCUSSION REGARDING THE BOARD OF MEDICAL EXAMINERS' VARIOUS ENDORSEMENT STATUTES AND CONSIDERATION OF ISSUANCE OF PROVISIONAL LICENSES UNDER NRS 630.1607

Mr. Cousineau explained that he wanted to give the Board an opportunity to discuss the two new endorsement statutes that were put in place during the last legislative session. NRS 630.1606 emanated from AB89 and NRS 630.1607 emanated from SB68. The Legislature just recently codified the statutes from the session, and until then staff did not know what the titles of these new licensure categories would be or where they would lie in statute. As everyone is aware, the Board already had a category for licensure by endorsement, NRS 630.1605. He explained the first problem with these new statutes is the Board now has two different licensure categories with identical titles. He is going to seek to go back to the Legislature to obtain some clarity on this. Ideally, the two statutes should be consolidated into one. He then outlined the differences between the two new statutes. He explained that the language in both regarding issuance of a license following receipt of a report on the applicant's fingerprint background check is problematic because this would make the licensure process take longer than the traditional licensure route. With the traditional route, the Board doesn't wait to issue a license until receipt of the fingerprint background check report because it can take many months at times. He then addressed the provision in NRS 630.1607 regarding issuance of provisional licenses. He said he didn't know too many medical boards that issue provisional licenses, and staff does not think it is a good idea to issue a license prior to obtaining all of the credentials and confirming the background of the applicant. Additionally, the Board recently received a notice from the Nevada Department of Public Safety (DPS), General Services Division, stating it is their position the Board does not have the ability to authorize fingerprint background checks based on the language in both NRS 630.1606 and NRS 630.1607, as well as in the Interstate Medical Licensure Compact. He then read the notice to the Board and stated what it says is that DPS will not accept the fingerprints if they are related to expedited or provisional licenses under these two statutes. Therefore, the Board cannot use these new licensure categories as they are written, and based upon the information it has received from DPS.

Dr. Berndt asked whether the Board is currently receiving more applications for licensure by endorsement than it has in the past. Mr. Cousineau stated that the Board had not received any requests under NRS 630.1606 or NRS 630.1607, but continues to receive them under NRS 630.1605.

Discussion ensued regarding possible solutions to these issues, and regarding potential issuance of provisional licenses.

Dr. Fischer stated he would like to know whether other states are issuing provisional licenses, and Mr. Cousineau said that staff would do some research and come back to the Board with the information in December or next March.

Discussion ensued regarding how these new statutes may affect issuance of licenses under the Interstate Medical Licensure Compact.

Dr. Berndt moved to authorize staff to request changes to the existing statutes. Dr. Prabhu seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 20

CONSIDERATION OF ADDING LANGUAGE TO APPLICABLE SETTLEMENT AGREEMENTS
REQUIRING LICENSEES TO COMPLY WITH THE STATUTORY REQUIREMENTS OF NRS
639.23507 AND NRS 453.164

Ms. Castagnola explained that in light of the Governor's recent opioid prescribing conferences and the pending 2017 legislative changes regarding opioids and controlled substances, staff was requesting authority from the Board to incorporate language into settlement agreements requiring licensees to comply with Board of Pharmacy statutory requirements. The Board recently sent letters to its licensees advising them of these statutory requirements and that they are required to register with the Prescription Monitoring Program (PMP), keep their addresses current with the PMP, and utilize the PMP when prescribing controlled substances. In order to be proactive on these issues, she thinks the Board needs to add provisions to its settlement agreements requiring licensees to comply with these statutes.

Dr. Prabhu moved that the Board authorize staff to add language to applicable settlement agreements requiring licensees to comply with the statutory requirements of NRS 639.23507 and NRS 453.164. Dr. Hardwick seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 21

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Ms. Castagnola reported the current number of open investigative cases was 610 and the current number of cases per investigator was approximately 77. There were 51 peer reviews in the field and 20 peer reviews awaiting assignment. She said there were plans to add another investigator to the staff within the next couple of months.

(b) Peer Reviews Trend Report

Ms. Castagnola said she would be happy to address any questions the Board had regarding the report, which had been provided to them with their meeting materials.

Mr. Duxbury said the report provided to Board members was very informative, but he thought it would be helpful to add the number of physicians practicing in the state.

Discussion ensued regarding the average cost of peer reviews and why the cost has increased.

Dr. Berndt stated he had read a recent article regarding state boards and disciplinary action against physicians which indicated Nevada was in the top third. Nevada takes disciplinary action against 5 to 8 physicians per 1,000, as compared to the lowest third of boards, which take action against 2 to 3 physicians per 1,000.

(c) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the second quarter of 2016 was 7, for a total of \$39,706.91; the total written off during the

quarter was \$0.00; the total outstanding balance of costs and fines was \$60,022.67; and the amount collected during the second quarter was \$7,200.00, which was all in costs.

(d) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the second quarter of 2016. She explained the Board's total assets, including cash, CDs, compliance receivable, fixed assets and other assets, was \$8,971,000.00. She said Dr. Hardwick had asked her to provide a comparison with two years ago at the same time, and it appears there has been a 16% increase in assets in the last two years. She then summarized the liabilities and equity section and stated the total current liabilities were \$3,600,000.00. She explained the long-term liabilities are new liabilities that are part of the new accounting procedures as of the end of the year, and the total was \$3,800,000.00. The last section represented the Board's reserves of \$1,400,000.00.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the second quarter of 2016. She stated the Board was at 99.7% of its projected income, attributed in part to limited license renewals and a continued growth in the Board's licensee base, and was at 96.4% of budget for personnel expenditures. She explained the Board was over budget for out-of-state travel, primarily due to attendance by Board members and staff at the Federation of State Medical Boards Annual Meeting, and a little over budget for in-state travel, due to necessary activities in Las Vegas. The operating expenses were at 91% of budget and the total expenses were at 95.7% of budget. The Board's interest income was better than budget by \$6,560.70, and the total net income for the quarter was \$69,746.81, which was over \$50,000 better than budget.

Mr. Duxbury asked about the line item for temporary employment. Ms. Jenkins explained staff had proposed at the end of the year that the Board would have a certain number of new licensing positions due to the growing licensee base, and what we did was have those individuals who had been screened and interviewed come in on a temporary basis so that we would have at least a three-month trial period for them before we brought them on full time. The expenses in that section were primarily for those individuals, as well as for some administrative help in the licensing division.

Mr. Duxbury asked why the budget was so far off on that item. Ms. Jenkins said she thought it was because staff had not anticipated keeping that many temporary employment positions for that long, and would take that into consideration when preparing the budget for the next year.

(e) Legal Division Report

Mr. Kilroy reported there were currently 96 cases in the Legal Division, 7 of which had been presented to the Board for action at this meeting; 16 cases pending the CMT process; 37 cases awaiting filing of a formal complaint; 23 cases in which a formal complaint had been filed that were pending hearings, 4 since the last Board meeting; 13 miscellaneous legal matters requiring further investigation, etc.; and 56 letters of concern approved by the Investigative Committees during their August meetings. He then provided an update regarding one pending civil court case in which the Board was currently involved. He welcomed Dr. Nagy to the Board, thanked him in advance for his service, and said he had met Dr. Nagy's father a couple of weeks prior at an outreach program. He welcomed Ms. Mehta and said staff was really excited to have her on board.

Agenda Item 22

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 3, 2016 Board Meeting

Dr. Prabhu moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 3, 2016 Board Meeting. Ms. Mastroluca seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 23

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) David Glenn Weismiller, M.D.

Dr. Weismiller appeared via telephone.

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

Dr. Prabhu moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Upon returning to open session, Dr. Prabhu moved that the Board grant Dr. Weismiller's application for licensure. Dr. Berndt seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Dr. Weismiller said he wanted to recognize Ms. Castleman working with him as he moved through the licensure process. He said he could not have had a better partner while going through the process, gave her his highest praise for the work that she had done, and stated the Board was very fortunate to have her as part of the organization.

(b) Carlo Buena, M.D.

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

Dr. Berndt questioned Dr. Buena regarding his medical training and clinical practice, and Dr. Buena described both. Dr. Buena stated he was licensed to practice medicine in North Carolina and Tennessee.

Dr. Berndt asked what he planned to do if granted a license to practice medicine in Nevada, and Dr. Buena said he had been offered a position as a primary care physician under Southwest Medical Associates in Las Vegas.

Dr. Berndt asked whether it was his intention to sit for his ABMS Boards, and Dr. Buena stated he planned to do so this coming year.

Dr. Berndt moved that the Board grant Dr. Buena a license by endorsement. Dr. Prabhu seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

(c) Hassan Elsir Osman, M.D.

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

Dr. Fischer stated that Dr. Osman was applying for a license by endorsement because he had not passed a major examination within the past 10 years, and that Dr. Osman had indicated he would be agreeable to undergoing a peer review, if the Board required him to do so.

Mr. Cousineau said it was staff's position that Dr. Osman brings some unique talents, and based on his background, his recent fellowship and the fact that he is a specialist in nephrology, he would probably be an appropriate candidate for licensure by endorsement.

Dr. Fischer moved that the Board grant Dr. Osman a license by endorsement. Dr. Berndt seconded the motion.

Dr. Prabhu asked Dr. Osman what he planned to do if granted a license to practice medicine in Nevada, and Dr. Osman stated he had been offered a position with a private group in Las Vegas.

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

(d) William Eng, M.D.

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

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

Dr. Eng explained the circumstances surrounding the two cases of malpractice that had been filed against him that resulted in settlements.

Dr. Prabhu asked Dr. Eng what he planned to do if granted a license to practice medicine in Nevada. Dr. Eng explained that he had a five percent ownership in a company that provides urine toxicology, and they have potential clients in Nevada who would send them urine specimens for analysis. In order to oversee this, they need him, as the medical director of the lab, to have a Nevada license.

Dr. Prabhu moved that the Board grant Dr. Eng's application for licensure. Dr. Hardwick seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

(e) Allan Lam Ho, M.D.

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

Dr. Hardwick questioned Dr. Ho regarding the fact that he had not completed 36 months of progressive postgraduate training, and Dr. Ho explained why he did not continue with his residency training.

Dr. Hardwick questioned Dr. Ho regarding the fact that he had answered in the negative to Question 8 on his application when he should have answered in the affirmative.

Dr. Ho explained that it was his mistake; that he did not read the question carefully.

Dr. Hardwick stated that Dr. Ho did not meet the qualifications for a license by endorsement. He advised Dr. Ho that one option available to him would be to work in a rural county for three years, after which he would be eligible for an unrestricted license; however, in order to do so, he would need to withdraw his current application and apply anew for a county-restricted license.

Discussion ensued regarding the fact that Dr. Ho had already gone through a similar process in Florida, and had a clean record, so it may be more appropriate to grant Dr. Ho a license contingent upon successful completion of a peer review.

Mr. Cousineau described the peer review process.

Ms. Mastroluca asked Dr. Ho what he planned to do if granted a license to practice medicine in Nevada. Dr. Ho explained that he wanted to relocate to Nevada due to family matters and also because there is more opportunity in Las Vegas to provide medical services to patients because it is a larger city than the city in Florida in which he currently resided.

Dr. Prabhu moved that the Board not grant Dr. Ho a license by endorsement, but grant him an unrestricted license contingent upon successful passage of a peer review. Dr. Berndt seconded the motion and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 24

CONSIDERATION AND APPROVAL OF PROPOSED 2017 MEETING SCHEDULE

Mr. Cousineau explained the proposed meeting schedule for 2017 followed the Board's traditional schedule, with Board meetings in March, June, September and December, and that the December meeting would again be held in Las Vegas

Ms. Mastroluca moved to approve the proposed 2017 meeting schedule. Dr. Prabhu seconded the motion, and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 25

CONSIDERATION AND APPROVAL OF REVISIONS TO BOARD POLICY AND PROCEDURE MANUAL, TO INCLUDE MODIFICATION OF EXISTING POSITION DESCRIPTIONS FOR CHIEF OF LICENSING, DEPUTY CHIEF OF LICENSING AND LICENSE SPECIALIST AND CREATION OF NEW POSITION DESCRIPTION FOR SENIOR LICENSE SPECIALIST

Mr. Rich stated that a senior investigator position had recently been added in the Investigations Division, and staff felt the same was warranted in the Licensing Division. This would allow the Board to promote from within and provide a career path for advancement. Once an individual has been in a License Specialist position for three years, he or she will be eligible for

promotion. In addition, the job descriptions for three existing positions in the Licensing Division had been updated.

Dr. Hardwick moved that the Board approve the proposed revisions to the Board Policy and Procedure Manual, to include modification of three existing position descriptions and creation of a new position description for Senior License Specialist. Ms. Mastroluca seconded the motion and it passed, with all participating Board members voting in favor of the motion.

Agenda Item 26

MATTERS FOR FUTURE AGENDAS

Mr. Cousineau stated the following items would be on the agenda for a future meeting: consideration and approval of the 2017 budget and the annual review of staff.

Agenda Item 27

STAFF COMMENTS/UPDATES

Ms. Munson advised the Board that its database software upgrade had been completed, and went live on August 15, and the new video conference equipment would be installed in October.

Mr. Rich explained that in an effort to improve efficiency and reduce long-term storage costs, the Board had engaged a company to assist with moving a lot of the Board's documents into a scanned environment. The Board is running out of space and needs to take action that will allow it to be more efficient. The project will move forward next month, and staff will be scanning licensing files, investigative files, legal files and administrative files.

Agenda Item 28

ELECTION OF OFFICERS AND APPOINTMENT OF COMMITTEE MEMBERS

Dr. Hardwick nominated Dr. Fischer for President. Dr. Prabhu seconded the nomination. Dr. Fischer asked if there were any other nominations, and there were none. A vote was taken, and Dr. Fischer was elected President, with Dr. Fischer abstaining and all other participating Board members voting in favor of the nomination.

Dr. Hardwick nominated Dr. Prabhu for Vice President. Dr. Berndt seconded the nomination. Dr. Fischer asked if there were any other nominations, and there were none. A vote was taken, and Dr. Prabhu was elected Vice President, with all participating Board members voting in favor of the nomination.

Dr. Prabhu nominated Dr. Hardwick for Secretary-Treasurer. Dr. Berndt seconded the nomination. Dr. Fischer asked if there were any other nominations, and there were none. A vote was taken, and Dr. Hardwick was elected Secretary-Treasurer, with all participating Board members voting in favor of the nomination.

Dr. Fischer stated that Investigative Committee A would remain unchanged. He appointed Dr. Muro to Investigative Committee B and appointed Dr. Prabhu Chairman of Investigative Committee B.

Agenda Item 29
PUBLIC COMMENT

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

Agenda Item 30
ADJOURNMENT

Dr. Prabhu moved to adjourn the meeting. Ms. Mastroluca seconded the motion, and it passed, with all participating Board members voting in favor of the motion. Dr. Fischer adjourned the meeting at 1:40 p.m.

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