

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Rachakonda D. Prabhu, M.D.
Board President

Edward O. Cousineau, J.D.
Executive Director



*** * * MINUTES * * ***

OPEN SESSION BOARD MEETING

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

and Videoconferenced to

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

MONDAY, JUNE 25, 2018 – 12:00 NOON

Board Members Present at Board Office in Reno

None

Board Members Present at Board Office in Las Vegas

None

Board Members Present by Telephone

Rachakonda D. Prabhu, M.D., President
Mr. M. Neil Duxbury, Secretary-Treasurer
Ms. Sandy Peltyn
Victor M. Muro, M.D.
Ms. April Mastroluca
Aury Nagy, M.D.
Weldon Havins, M.D., J.D.

Board Members Absent

Wayne Hardwick, M.D., Vice President
Michael C. Edwards, M.D., FACS

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Staff/Others Present at Board Office in Reno
Edward O. Cousineau, J.D., Executive Director
Laurie L. Munson, Chief of Administration and Information Systems
Aaron Bart Fricke, J.D., Deputy General Counsel

Staff/Others Present by Telephone
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 12:02 p.m.

Mr. Cousineau took roll call of the Board members present via telephone. Board members not present were Wayne Hardwick, M.D. and Michael C. Edwards, M.D., FACS. Mr. Cousineau announced there was a quorum.

Agenda Item 2

PUBLIC COMMENT

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

Agenda Item 3

REQUEST FOR BOARD AUTHORIZATION TO DEFEND AGAINST PETITIONER DR. JAMES B. GABROY, M.D.'S PETITION FOR JUDICIAL REVIEW AND MOTION FOR STAY OF NEVADA STATE BOARD OF MEDICAL EXAMINERS' FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER IN THE MATTER OF DR. JAMES B. GABROY, M.D. V. STATE OF NEVADA, EX REL. NEVADA STATE BOARD OF MEDICAL EXAMINERS (CASE NO. CV18-01159)

Mr. Cousineau said that, given the recent Supreme Court Opinion in the *Commission on Ethics v. Ira Hansen* case, there is a question as to whether the Board must first vote to approve, at a publicly noticed meeting, whether to defend against an action brought against it. Staff believes the most conservative course of action is for the Board to hold a public meeting and to authorize such a defense. As the Board may recall, at the June Board meeting, the Board determined through adjudication that Dr. Gabroy had violated the Medical Practice Act, and imposed discipline as a result. Dr. Gabroy has now filed a Petition for Judicial Review, as well as a motion to stay the Findings of Fact, Conclusions of Law, and Order filed by this Board. The opposition to that motion is due today. In an abundance of caution, staff is seeking the Board's authorization to defend against the Petition for Judicial Review and the motion for stay. He asked for a motion in support of authorization to defend the petition and the motion for stay.

Ms. Mastroluca moved that the Board accept the motion as stated by Mr. Cousineau. Dr. Muro seconded the motion, and it passed unanimously.

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

Mr. Duxbury moved to adjourn the meeting. Ms. Mastroluca seconded the motion, and it passed unanimously. Dr. Prabhu adjourned the meeting at 12:07 p.m.

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