

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

FRIDAY, SEPTEMBER 7, 2018 – 8:30 a.m.

Board Members Present

Rachakonda D. Prabhu, M.D., President
Wayne Hardwick, M.D., Vice 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

Michael C. Edwards, M.D., FACS

Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Jasmine K. Mehta, J.D., Deputy Executive Director
Donya Jenkins, Finance Manager
Robert Kilroy, J.D., General Counsel
Aaron Bart Fricke, J.D., Deputy General Counsel
Donald K. White, 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
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 8:30 a.m.

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

Ms. Mehta introduced new Legal Assistant Sheri L. Quigley.

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) June 1, 2018 Board Meeting – Open/Closed Sessions
- (b) June 25, 2018 Board Meeting – Open Session
- (c) August 8, 2018 Board Meeting – Open Session

Dr. Nagy moved that the Board accept the Minutes of the June 1, 2018 Board Meeting – Open/Closed Sessions, June 25, 2018 Board Meeting – Open Session, and August 8, 2018 Board Meeting – Open Session. Dr. Hardwick seconded the motion, and it passed unanimously.

Agenda Item 4

NEVADA PROFESSIONALS ASSISTANCE PROGRAM (NPAP) PRESENTATION

Michel Sucher, M.D. and Ben Seymour appeared on behalf of NPAP.

Dr. Sucher explained this is a joint venture of Greenberg & Sucher, PC and Southworth Associates, and they assumed management of NPAP from Dr. Mansky last summer, due to his retirement. He said both he and Mr. Seymour had been in the business of helping impaired professionals with substance use disorders, mental illness and other potential impairment

conditions for over two decades. He then provided the Board with background on Greenberg & Sucher, PC.

Ben Seymour provided background on Southworth & Associates.

Mr. Seymour and Dr. Sucher then described NPAP operations.

Dr. Sucher said when they first took over from Dr. Mansky last summer, they met with leadership of this Board, the Dental Board and the Osteopathic Board. They have given a number of presentations to hospitals and medical groups, primarily in Las Vegas. They want the medical community to be aware of who they are and what resources they have to offer.

Mr. Seymour and Dr. Sucher outlined the services NPAP provides.

Dr. Sucher said NPAP is available as a resource, and they see themselves as the Board's partner.

Dr. Nagy asked whether they had any history with working with physicians who have been compromised or impaired due to marijuana use.

Dr. Sucher said that recreational marijuana is legal in California, medical marijuana has been legal in California for 20-plus years, medical marijuana has been legal in Arizona since 2011, and they have quite a bit of experience with this. He said to need medical marijuana, you are supposed to have a debilitating medical condition that does not respond to conventional treatment. In Colorado, if you have a disabling, debilitating condition that is so severe and that has not responded to conventional medical treatment, you are considered too ill to practice medicine. So that's the starting point, but NPAP deals with each case individually.

Dr. Nagy asked whether they had seen protocols developed or tested around the country or in Canada for patients who had chronic opioid addiction disorders who were transitioned over to marijuana and were successful in a positive way.

Dr. Sucher said they have seen that, and that medical marijuana has arisen as a safer alternative to opioids.

Dr. Havins asked how many caseworkers NPAP has in Nevada.

Dr. Sucher stated they had one caseworker in Nevada. Currently, there are only about 30 people in the program here, including M.D.s, dentists and osteopathic physicians, but they believe there is potential for growth in the state.

Mr. Cousineau said one of the concerns he has had over the years with NPAP are the costs attached to it. Some Board licensees do not have the same earning potential, and have been discouraged from using NPAP due to the cost.

Dr. Sucher said in over 25 years in Arizona, they have never turned away anybody because of lack of ability to pay, either temporarily or long-term, and they have a very large accounts receivable. They also assist people in getting reimbursed.

Agenda Item 5

PRESENTATION BY UNIVERSITY OF NEVADA, RENO SCHOOL OF MEDICINE, OF
NEW CME COURSE: "BEST PRACTICES AND TOOLS FOR PRESCRIBING
CONTROLLED SUBSTANCES"

Mr. Fricke said the Board has expressed a need for new education tools to help the Board work more collaboratively with practitioners to address the opioid epidemic and the new challenges to the Boards under AB 474. The University of Nevada, Reno, School of Medicine (UNRMED) has stepped up and showed great initiative in trying to fill that need. Paul Snyder, MA, LADC-S, Course Director for the new course called "Best Practices and Tools for Prescribing Controlled Substances," was present, as well as some of the other course faculty, including Reka Danko, M.D., Michael Lewandowski, Ph.D., Melissa Piasecki, M.D., and Jeanne Tremaine from the UNRMED Office of Continuing Medical Education. Mr. Fricke explained that this course was presented preliminarily to the Board at its last meeting and this is the culmination of the team's efforts.

Mr. Snyder described the impetus for the new course and explained how the course was developed. He said what separates this course from other continuing medical education (CME) courses is that the focus is on the physician. He said when someone leaves this course, he or she will understand how to make change, what they need to make change, and how to be up to speed in all the best practices medically, as well as legally. Utilizing a PowerPoint presentation, Mr. Snyder described the course, its goals and course methods.

Mr. Snyder introduced some of the course faculty, and each explained their roles in the course.

Dr. Lewandowski said he was a clinical psychologist and spent the last 34 years working with people with chronic pain, looking at how pain has affected their lifestyles, recognizing some of the needs each of these people have in the context of their world. This is part of what he would like to bring to the course, and teaching some motivational interviewing skills can be very helpful in health care settings.

Dr. Piasecki said her role in the course would be to give attendees an overview of the legal and regulatory aspects of prescribing, such as the state and federal guidelines for opioid prescribing, using case studies and consulting with experts from the Board of Medical Examiners, as well as the Board of Pharmacy, and also ensuring that the materials are both accurate as well as comprehensive.

Dr. Danko said she was board certified in internal medicine and addiction medicine. She will be presenting case studies regarding how to safely prescribe opioids, as well as addiction medicine and how we can treat those who are suffering from addiction.

Ms. Tremaine said she will be making sure all the CME is taken care of.

Mr. Snyder said the focus was on physician wellness, on patient safety and wellness, and providing lasting change, making this not only a CME course, but actually a therapeutic event for the physicians so they can come back and make these changes with purpose and be motivated internally to spread this health and take care of this opioid epidemic and overdose crisis.

Dr. Hardwick said he has been working in the emergency room for 40 years and in his opinion, nothing has had more to do with this opioid epidemic than patient satisfaction surveys. Physicians are rewarded for giving opioids and sanctioned for not giving opioids. The opioid epidemic started at the same time the patient satisfaction surveys came on., and he doesn't think that is a coincidence. He says he hopes this course will address that.

Discussion ensued regarding the issues facing physicians in this regard.

Mr. Kilroy said this course is the fruit of Mr. Fricke's efforts, and he wanted to express his gratitude to Mr. Fricke for putting it together.

Mr. Fricke stated Mr. Snyder and Dr. Piasecki have taken extraordinary initiative and provided a response to the course need, and should really be congratulated. He said the first course will be presented on November 16, 17 and 18, and we are already encouraging some practitioners to whom this course might be appropriate to attend.

Dr. Havins asked whether they had considered providing a one-day course regarding opioid prescribing, as he thinks that would be very beneficial.

Mr. Fricke said one of the added benefits of this comprehensive course is that we are distilling out pieces of it and it is already being presented in more abbreviated fashion. Several faculty members participated in a presentation at Harrah's just a few weeks ago that was extraordinary, and some of the Board investigative staff was in attendance. So they are trying to do both at the same time.

Agenda Item 6

CONSIDERATION OF REQUEST OF ANURANJAN BIST, MD FOR APPROVAL OF COLLABORATION AGREEMENT WITH DITHRA COTTON-LEWIS, APRN

Dr. Bist explained that Ms. Cotton-Lewis had been working in his clinic for the past three months as an RN, interacting with patients, doing triage and patient education, and the feedback he had received from patients and his staff has been very positive, so he had no concerns regarding her working with his office as an APRN.

Dr. Havins said that since APRNs can work as independent practitioners in Nevada, he was curious to know why they wanted a collaboration agreement.

Mr. Cousineau stated that Ms. Cotton-Lewis was newly licensed and didn't yet have 2,000 hours, and the requirement is two years or 2,000 hours.

A brief discussion ensued regarding the aforementioned requirement.

Mr. Cousineau explained that Ms. Cotton-Lewis is licensed by the Nursing Board, and regulations require that an individual who has been disciplined by the Nursing Board obtain approval from this Board for any collaboration agreement. He said that Dr. Bist had sent a collaboration agreement to the Board in May of this year, and the materials provided to the Board indicated that Ms. Cotton-Lewis had been working for Dr. Bist's office since April 18, so his concern was whether she had been acting as an APRN, as opposed to an RN.

Dr. Bist indicated Ms. Cotton-Lewis had not acted as an APRN in any capacity since being employed by him.

Dr. Nagy asked to what extent Dr. Bist expected Ms. Cotton-Lewis to practice when functioning as an APRN.

Dr. Bist explained she will be supervised more when a Schedule II controlled substance needed to be prescribed and the patient will be evaluated by a physician in the office before a prescription is written, particularly a Schedule II controlled substance. There will also be weekly meetings where Ms. Cotton-Lewis can discuss her cases.

Dr. Nagy moved that the Board approve Dr. Bist's request. Ms. Mastroluca seconded the motion, and it passed unanimously.

Agenda Item 7

CONSIDERATION OF REQUEST OF GREGORY GEX, MD FOR APPROVAL OF COLLABORATION AGREEMENT WITH MELISSA ANNE FLETCHER, APRN

Dr. Gex said he was requesting that Ms. Fletcher be allowed to work in his clinic as a nurse practitioner, collaborating with him as her sponsor.

Mr. Cousineau stated that in a letter dated July 19, Dr. Gex indicated he had hired Ms. Fletcher "for a position" in his office. He asked Dr. Gex to confirm that she was not acting as an APRN, and Dr. Gex stated that was correct. Mr. Cousineau explained that Dr. Gex had sent a collaboration agreement to the Board in July, so he wanted to be sure that Dr. Gex was aware of the regulatory requirement that the collaboration agreement could not be put in place until it had been approved by the Board, and that Ms. Fletcher's conduct was consistent with tasks and responsibilities that did not require a collaboration agreement.

Dr. Havins asked Dr. Gex whether Ms. Fletcher would be acting as a family nurse practitioner or as a nurse midwife. Dr. Gex said she would be working for him in his office as a nurse practitioner for women's health, but that she also works as a labor and delivery nurse.

Dr. Nagy moved that the Board approve the collaboration agreement. Dr. Hardwick seconded the motion, and it passed unanimously.

Agenda Item 8

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ALBERT H. CAPANNA, M.D.*, BME CASE NO. 12-6789-1

Dr. Capanna was not present.

Dr. Prabhu 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 the matter, and they indicated that they had.

Ms. Rasul then provided procedural instruction regarding the adjudication process with respect to the matter.

Dr. Prabhu said he had reviewed the case thoroughly and looked at all the proceedings. He then summarized the facts of the case and the proceedings. He stated that after his review of all the materials, he came to the conclusion there had been no malpractice and no medical records violation.

Dr. Havins stated that was also the conclusion of the Hearing Officer.

Dr. Nagy said he was recusing himself from consideration of the matter because he knows Dr. Capanna.

Dr. Havins moved that the Board find no medical malpractice occurred according to the Medical Board statutes in regards to Count I. Dr. Hardwick seconded the motion, and it passed, with Dr. Nagy and Ms. Peltyn abstaining from the vote and all remaining adjudicating Board members voting in favor of the motion.

Ms. Peltyn stated she did not vote and was recusing herself from consideration of the matter because she knows Dr. Cash.

Dr. Hardwick moved that the Board find there was no records violation with respect to Count II. Mr. Duxbury seconded the motion.

Ms. Rasul stated for the record there were two recusals.

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

Agenda Item 9

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. ALBERT H. CAPANNA, M.D., BME CASE NO. 12-6789-1, 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

Dr. Muro moved that the Board authorize the General Counsel to defend the Board's findings in this matter. Ms. Peltyn seconded the motion, and it passed unanimously.

Agenda Item 10

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANGELA LORENZO, PA, BME CASE NOS. 17-28540-1 AND 17-28540-2

Ms. Lorenzo was not present.

Dr. Prabhu 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 these matters, and they indicated that they had.

Ms. Rasul then provided procedural instruction regarding the adjudication process with respect to these matters.

Dr. Muro moved that the Board adopt the Hearing Officer's findings and recommendations on all counts. Ms. Peltyn seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Discussion ensued regarding the discipline that should be imposed upon Ms. Lorenzo in these matters.

Mr. Fricke presented the Investigative Committee's recommendations regarding discipline in these matters: revocation of Ms. Lorenzo's license, a fine of \$5,000.00 each for the three counts of malpractice, a fine of \$5,000.00 each for the three counts of unsafe and unprofessional conduct, a fine of \$5,000.00 each for the two counts of deceptive conduct, a fine of \$5,000.00 each for the three counts of knowing and willful failure to comply with Board orders, a fine of \$5,000.00 for the one count of practicing beyond the scope of training and competence, a fine of \$1,000.00 for the one count of disreputable conduct, a fine of \$1,000.00 for the one count of misrepresentation in renewing her license, a fine of \$1,000.00 each for the nine counts of violation of standards of practice, and a fine of \$1,000.00 each for the three counts of failure to maintain records, for total fines of \$74,000.00, to be paid within 120 days, and reimbursement of the Board's costs and fees incurred in the investigation and prosecution of these cases, pursuant to the Memorandum of Costs and Fees, in the amount of \$22,274.18, to be paid within 60 days.

Dr. Havins asked whether the Board attorneys had been in contact with Ms. Lorenzo.

Mr. Fricke said that on behalf of the Investigative Committee, Board staff had attempted to contact Ms. Lorenzo in numerous ways. Staff had been in contact with her previous counsel, who withdrew by permission several months ago, and was in contact with the attorney who represented Ms. Lorenzo in criminal matters, but who was not representing her in these cases. He said as far as Board staff knows, Ms. Lorenzo is not represented by counsel in these matters.

Discussion ensued regarding collection of the fines and costs, as well as the amount of the fines the Investigative Committee was requesting be imposed.

Dr. Havins moved that the Board accept the disciplinary recommendations, including revocation of license, fines of \$74,000.00 and costs of \$22,274.18.

Mr. Fricke added that the Investigative Committee was also recommending a public reprimand.

Dr. Havins said he concurred.

Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 11

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. ANGELA LORENZO, PA, BME CASE NOS. 17-28540-1 AND 17-28540-2, 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

Ms. Mastroluca moved that the Board authorize the General Counsel to defend the Board's findings, conclusions, orders and actions in these matters. Ms. Peltyn seconded the motion, and it passed unanimously.

Agenda Item 12

CONSIDERATION OF REQUEST FOR APPOINTMENT OF DOUGLAS T. YOUNG, PA-C AS REPLACEMENT PHYSICIAN ASSISTANT ADVISORY COMMITTEE MEMBER

Janet Wheble, PA-C, said the Physician Assistant Advisory Committee would like to fill the vacancy on the Committee with Douglas T. Young, PA-C. She stated he is an exceptional candidate – he is an extremely well-educated PA who has provided care to the Las Vegas community for the past 18 years, he is a veteran who served this country with distinction, and he is actively involved in community events. She said they feel he would be a great addition to the Committee.

Mr. Young said he is very excited about the opportunity to serve the Board, the PA profession and the community.

Ms. Peltyn moved that the Board appoint Mr. Young as a Physician Assistant Advisory Committee member. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 13

REPORTS

(a) Investigative Committees

Dr. Hardwick reported that at its August 17, 2018 meeting, Investigative Committee A considered 139 cases. Of those, the Committee authorized the filing of a formal complaint in 19 cases, sent 22 cases out for peer review, requested an appearance in 6 cases, issued 29 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 60 cases.

Dr. Prabhu reported that at its August 8, 2018 meeting, Investigative Committee B considered 134 cases. Of those, the Committee authorized the filing of a formal complaint in 25 cases, sent 18 cases out for peer review, requested an appearance in 7 cases, issued 20 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 62 cases.

(b) Nevada State Medical Association

Catherine O'Mara, Executive Director of the Nevada State Medical Association (NSMA), said she wanted to express NSMA's gratitude to Mr. Fricke for his work in putting together the new opioid program. NSMA has seen Board staff at several of its opioid CMEs, and has noted their engagement in this issue. To see physician wellness as one of the number one principles of this new program is heartwarming to her because she knows how hard doctors are struggling. She reported the NSMA Annual Meeting will be held at the end of September, and there will be several interesting pieces of programming. NSMA will be installing its new President, Dr. Howard Baron, who is a pediatric gastroenterologist in Las Vegas, one of six or seven in the state, and will be presenting several awards to various individuals in the community. Additionally, there will be a CME panel on September 28, which will provide a look-back at the October 1 shooting and the medical response to that. On September 29, there will be another CME opportunity, with a speaker from the CDC who will discuss antibiotics prescribing and current trends with respect to that. She stated there are 149 days until the start of the next Legislature, and NSMA is very busy getting ready for that. As of August 31, there were 577 bill draft requests, and about 20% of those have some sort of nexus to physicians, patient care or health care in the state. She said through the opioid crisis and what we have all been working on, it strikes her that a lot of the problems that have occurred are due to external pressures put on physicians and that get between physicians and patients, such as patient satisfaction surveys and laws that swing the pendulum back and forth, which underscores the importance of physician voices being part of the discussion when policymakers are trying to solve problems. NSMA is involved in several pieces of legislation, but it has two main priorities. Its public health initiative is to set up a maternal mortality review, as rates of maternal mortality have gone up in the United States, and Nevada is one of those states where it has increased. NSMA's other major priority going in to the legislative session is to help smooth out some of the workflow issues that were created by AB 474. She said it seems to her that, frequently during a session, there will be an idea by a policymaker to address a particular public health issue with mandated CME. Those are usually very important public health issues that need to be addressed, but she knows it is a point of frustration for physicians to have more and more mandated CME on them, and in some cases you have licensees who never see patients, and in other cases, you have licensees who are already taking that type of CME. NSMA has not worked on it at all with the Board, or gotten to a place to propose anything to the Board, but she would like the Board to give some thought to some kind of partnership that could be created with the state and county medical societies and the Board, on a yearly basis, where they could develop CME to address some of the public health issues that have arisen in that year or two. It wouldn't be a mandate, but it would be an acknowledgement that the Board and the Association agree that the number of public health issues is getting high and physicians want to take a leadership role in educating themselves and being part of the solution, rather than waiting for a crisis to occur and then having a mandate come out of the next session.

(c) Clark County Medical Society

Alexandra P. Silver, Executive Director of the Clark County Medical Society (CCMS), said that the CCMS Secretary, Dr. Peter Mansky, passed away during the summer, and that CCMS appreciates his service and he will certainly be missed. Dr. Thomas Hunt will be the new CCMS Secretary, and CCMS is working to fill Dr. Hunt's Trustee position. She reported that this past spring, CCMS took a courageous and forward-thinking move, and decided to install, for the first time ever, a student Board member with full voting rights, as well as a resident, on its Board. The CCMS mini-internship program will be held October 1 through 11, and CCMS will hold a CME on

physician burnout on October 23. She reported that this past July, she and another team member had the honor of attending the American Association of Medical Society Executives conference, where, on behalf of CCMS, they received the President's Award for the CCMS' efforts regarding AB 474 and opioid laws.

Agenda Item 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GARY LaTOURETTE, M.D.*, BME CASE NO. 12-4399-1

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

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

Dr. Hardwick moved that the Board accept the Settlement Agreement. Mr. Duxbury 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. PRASUN PAL, M.D.*, BME CASE NO. 17-40944-1

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

Mr. Kilroy stated a formal Complaint had been filed against Dr. Pal alleging three violations of the Nevada Medical Practice Act, and the Investigative Committee was requesting approval of the proposed Settlement Agreement.

Dr. Havins moved that the Board approve the Settlement Agreement. Ms. Peltyn 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. GEORGES YOUSSEF TANNOURY M.D.*, BME CASE NO. 18-12169-1

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Tannoury 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. Ms. Peltyn 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. ROSLYN B. WEINGARTEN, M.D.*, BME CASE NO. 18-29135-1

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Weingarten 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. Ms. Peltyn 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. JONATHAN B. BAKTARI, M.D.*, BME CASE NO. 18-11602-1

This matter was not discussed at the meeting.

Agenda Item 19

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. NIKOLAOS JOHN TSIOURIS, M.D.*, BME CASE NO. 18-31555-1

This matter was not discussed at the meeting.

Agenda Item 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CRAIG MITCHELL WEINGROW, M.D.*, BME CASE NO. 18-39792-1

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Weingrow alleging 23 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 21

CONSIDERATION OF AMENDED SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. POUPAK P. ZIAEI, M.D.*, BME CASE NO. 17-32905-1

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

Mr. Kilroy explained that in April 2017, a formal Complaint had been filed against Dr. Ziaei, and a Settlement Agreement was entered into with Dr. Ziaei in November 2017, which was approved by the Board in December 2017. Subsequently, Board staff has been in contact with Dr. Ziaei and her counsel. Dr. Ziaei is working diligently to take her boards and is lacking the wherewithal to make her \$1,000.00 a month payments to reimburse the Board for its costs. So the Investigative Committee and Dr. Ziaei entered into an Amended Settlement Agreement, which will require \$100.00 a month payments until the end of this year and beginning in 2019, Dr. Ziaei will begin paying \$1,000.00 month.

Dr. Muro moved that the Board approve the Amended Settlement Agreement. Ms. Peltyn 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

Ms. Castagnola reported the current number of open investigative cases was 714 and the current number of cases per investigator was approximately 102. There were 60 peer reviews in the field and 45 peer reviews awaiting assignment.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the second quarter of 2018 was 8, for a total of \$45,951.66. The total outstanding in costs was \$50,312.96, total outstanding in fines was \$10,700.00, and the amount of compliance collections for costs during the quarter was \$24,933.73.

(c) Quarterly Update on Finances

Ms. Jenkins highlighted the various sections of the Balance Sheet for the second quarter of 2018. She stated the Board's total assets as of June 30, 2018, were \$8,779,000.00, and the total liabilities and fund balance were also \$8,779,000.00.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the second quarter of 2018. She stated the Board's income was 10% above what was budgeted for the quarter, the personnel expenses were at 97.2% of budget, total expenses were over budget by 6.1%, and the net income was better than budget by \$30,492.76.

Dr. Hardwick asked if staff anticipated a need to either lower or raise fees, and Ms. Jenkins stated she would expect the Board would keep its fees constant at this time because later in the meeting, the Board is going to discuss adoption of an official reserve policy, and until the Board is at its projections and its goals with respect to its new policy regarding reserves, she doesn't see that as something the Board would entertain. She thinks that is something the Board would entertain at the time it achieves those goals.

Mr. Duxbury said he wanted to commend Ms. Jenkins for the fantastic job she is doing.

(d) Legal Division Report

Mr. Kilroy reported there were currently 117 cases in the Legal Division, 6 of which had been presented to the Board for action at this meeting; 47 cases pending the CMT process; 98 cases awaiting filing of a formal complaint; 19 cases in which a formal complaint had been filed that were pending hearings, and 51 letters of concern approved by the Investigative Committees during their August meetings. He provided an update regarding the pending civil court cases in which the Board was currently involved. Mr. Kilroy introduced new Legal Assistant Dawn Gordillo, and thanked her for the great job she is doing.

Agenda Item 23

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 1, 2018 Board Meeting

Dr. Nagy moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 1, 2018 Board Meeting. Ms. Mastroluca seconded the motion, and it passed unanimously.

Dr. Prabhu thanked Ms. Castagnola and Ms. Daniels for the great job they are both doing.

Agenda Item 24

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Todd Andrew Radivan, PA-C

Maria Nutile, Esq. appeared with Mr. Radivan as his legal counsel.

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

Dr. Muro moved that the Board go into closed session pursuant to NRS 241.030. Mr. Duxbury seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Duxbury moved that the Board grant Mr. Radivan's application for licensure. Dr. Muro seconded the motion, and it passed, with Ms. Mastroluca abstaining from the vote and the remaining Board members voting in favor of the motion.

(b) Victor Ronald Bruce, M.D.

John Hunt, Esq. appeared with Dr. Bruce as his legal counsel.

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

Mr. Duxbury moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed unanimously.

Upon returning to open session, Dr. Hardwick moved that the Board accept Dr. Bruce's proposed preceptorship plan and that Dr. Bruce will not be able to write controlled substances for a minimum of 24 months, or until his probationary period lapses, whichever is greater, and at that time, he will still not be able to write controlled substance prescriptions prior to approval of the Board. Mr. Duxbury seconded the motion, and it passed, with Dr. Muro opposed and all other Board members voting in favor of the motion.

(c) John Eric Hughes, RRT

Dr. Prabhu asked Mr. Hughes 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 questioned Mr. Hughes regarding his history of substance abuse and his negative response to Question 21 on his application for licensure, when he should have responded in the affirmative.

Mr. Hughes described his history with substance abuse and said he had some confusion regarding what Question 21 was asking, and that is why he responded the way he did. He said he has been sober since he completed treatment in May 2016, and had signed a three-year monitoring contract with Larry Espadero. He stated he has not practiced as a respiratory therapist since July of this year.

Discussion ensued regarding Mr. Hughes' probationary license status in Louisiana, and his participation in Larry Espadero's program.

Ms. Mastroluca asked if he had any job prospects to practice respiratory therapy in Nevada. Mr. Hughes said he hadn't really been searching for a position here because he needed a license to do so.

Ms. Daniels asked about the type of setting in Louisiana he had worked in. Mr. Hughes stated it was a hospital setting, and described his work there.

Mr. Duxbury said he was concerned with the nonchalant manner with which Mr. Hughes approached the last order in Louisiana, and strongly suggested that, for his benefit, it didn't happen in Nevada.

Mr. Duxbury moved that the Board grant Mr. Hughes' application for licensure with the condition that he abide by the agreement with Mr. Espadero. Dr. Muro seconded the motion, and it passed unanimously.

(d) Leigh Taylor Sundem, M.D.

Dr. Prabhu asked Dr. Sundem whether she wanted her application to be considered in closed session, with the public being excluded, and she said that she did.

Dr. Havins moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Duxbury moved that the Board grant Dr. Sundem's application for a limited license with the condition that she continue with her monitoring program with NPAP. Ms. Mastroluca seconded the motion, and it passed unanimously.

(e) William Parker Mansfield, M.D.

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

Dr. Nagy discussed with Dr. Mansfield the single case of malpractice had been filed against him and the resulting settlement.

Dr. Nagy asked what he planned to do if granted a license in Nevada.

Dr. Mansfield stated he would be providing teleradiology services, and described the turnaround time for various types of orders and the number of hours he generally works.

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

(f) Edward William Younger, III, M.D.

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

Dr. Havins moved that the Board go into closed session pursuant to NRS 241.030. Ms. Mastroluca seconded the motion, and it passed unanimously.

Upon returning to open session, Ms. Mastroluca moved that the Board grant Dr. Younger's application for licensure. Dr. Havins seconded the motion, and it passed unanimously.

(g) Charles Mori Arakaki, M.D.

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

Dr. Nagy stated that Dr. Arakaki was applying for licensure by endorsement because he had not passed a major examination in the last ten years. He reviewed Dr. Arakaki's education, training and practice history with him, and then questioned Dr. Arakaki regarding his affirmative response to Questions 28 and 31 on his application for licensure.

Dr. Arakaki described the circumstances surrounding the disciplinary action taken against him by the Oregon Medical Board, which led to disciplinary actions being taken against him by various other state medical boards.

Dr. Nagy stated that there was also a failure to pay child support, which resulted in a suspension of his license in Hawaii. Once he resolved his child support payments, Hawaii reinstated his license. However, he still has something outstanding in one of those states.

Dr. Arakaki explained what was still outstanding to the California Medical Board.

Dr. Nagy asked if there was a reason he didn't take the ob/gyn board certification exam.

Dr. Arakaki said he had applied to take it in July 2012, but stopped practicing ob/gyn in October 2011 and started practicing general practice.

Dr. Nagy stated that Dr. Arakaki doesn't meet the criteria for licensure by endorsement because there is not a demand for men's health providers in the state.

Dr. Arakaki described his current practice.

Mr. Cousineau explained that endorsement is reserved for those who practice in a specialty or have a special skill set that is needed in the state, and it sounded like the services Dr. Arakaki intends to offer are not lacking in availability in the state.

Dr. Nagy moved that the Board decline to grant Dr. Arakaki's application for licensure by endorsement. Ms. Mastroluca seconded the motion, and it passed unanimously.

(h) Brian Jacob Nadler, M.D.

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

Dr. Muro questioned Dr. Nadler regarding his current visa status.

Dr. Nadler explained that he applied for a J1 visa, received it, initially activated it, and then reversed the activation of it. The visa was for July 1, and it required that he start within one month of its activation, so when he found out about this meeting on June 19, he needed to get the dates changed. If he is successful in obtaining a license, ECFMG knows his start date would potentially be September 24, and it will take a few days to get the new J1 visa with the correct dates.

Dr. Nadler then described his medical education and training, and the circumstances surrounding his suspension from the fellowship program in Saskatchewan and subsequent proceedings related thereto.

Dr. Muro moved that the Board grant Dr. Nadler's application for licensure contingent upon Dr. Nadler securing his J1 visa. Ms. Peltyn seconded the motion, and it passed unanimously.

(i) Walter David Smith, M.D.

Hal Taylor, Esq. appeared with Dr. Smith as his legal counsel.

Dr. Prabhu asked Dr. Smith 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. Smith was applying for licensure by endorsement as it took him four attempts to pass Step 3 of the USMLE. He said Dr. Smith has an offer for a fellowship position in adolescent and child psychiatry beginning October 1, in Reno, if granted a license.

Dr. Havins questioned Dr. Smith regarding his affirmative response to Question 13 on his application for licensure.

Dr. Smith described the circumstances surrounding his arrest for domestic violence in 2014 and for simple battery in 2017.

Dr. Havins questioned Dr. Smith regarding his affirmative response to Question 19 on his application for licensure.

Dr. Smith described the circumstances surrounding his resignation from two residency training programs.

Dr. Prabhu asked whether Dr. Smith needed an unrestricted license to pursue the fellowship.

Dr. Smith said he would like to have a full license so he might be able to continue to practice in Reno.

Ms. Daniels explained that Dr. Smith meets the 36 months postgraduate training requirement, but is deficient in the exam requirement because it took him four attempts to pass Step 3 of the USMLE.

Dr. Prabhu stated we don't have enough child psychiatrists in the state.

Dr. Havins moved that the Board grant Dr. Smith a license by endorsement. Ms. Peltyn seconded the motion.

Mr. Cousineau stated the Board had no guarantee that Dr. Smith won't decide tomorrow that he doesn't want to do his fellowship and will just go practice, so the Board is trusting his word and representation that he will follow through with what he is telling the Board today.

A vote was taken on the motion, and it passed unanimously.

(j) Russ Marc Savit, M.D.

Dr. Savit appeared before the Board via telephone.

Dr. Prabhu asked Dr. Savit 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. Savit regarding his affirmative response to Questions 12 and 12a on his application for licensure.

Dr. Savit described the circumstances surrounding the one case of malpractice filed against him that resulted in a settlement.

Dr. Prabhu questioned Dr. Savit regarding his affirmative response to Question 31 on his application for licensure.

Dr. Savit described the circumstances surrounding the disciplinary actions taken against him by the Alaska Medical Board, as well as several other medical boards, as a result of his failure to report the malpractice settlement to the Alaska Medical Board within 30 days.

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

Dr. Savit said he is a teleradiologist, he works for Radiology Partners, and he will be reading radiological exams for patients in Nevada.

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

(k) Tracy Lynn Coe, M.D.

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

Ms. Mastroluca questioned Dr. Coe regarding her affirmative response to Questions 12 and 12a on her application for licensure.

Dr. Coe described the circumstances surrounding the two cases of malpractice that had been filed against her.

Ms. Mastroluca questioned Dr. Coe regarding her affirmative response to Question 31 on her application for licensure.

Dr. Coe described the circumstances surrounding the disciplinary action taken against her by the Wyoming Board of Medicine.

Ms. Mastroluca asked Dr. Coe what she planned to do if granted a license in Nevada.

Dr. Coe said she planned to join HealthCare Partners in Las Vegas.

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

Agenda Item 25

CONSIDERATION AND APPROVAL OF PROPOSED 2019 MEETING SCHEDULE

Mr. Cousineau explained there was change in the proposed schedule from preceding years, in that the Board used to, in its normal course, schedule Board meetings for two days. However, since the Board no longer has two-day meetings, the 2019 meetings are all proposed to be one-day meetings. In the event a need arises, the Board could hold a telephonic Board meeting to schedule an additional day for a particular meeting. Additionally, as has become regular course the last few years, the December meeting will be held in Las Vegas.

Dr. Nagy moved to approve the proposed 2019 meeting schedule. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 26

BOARD UPDATE AND DISCUSSION OF GOVERNOR'S FINANCE OFFICE AUDIT OF BOARDS, AND CONSIDERATION OF FORMAL RESPONSE BY THE BOARD

Ms. Mehta explained that last spring, Board staff received a letter from the Governor's Finance Office, Division of Internal Audits, that it was conducting an audit of all boards and commissions. The Division asked for responses from the boards regarding various informational requests, and Board staff responded, as well as a number of other boards. It also asked us not to

make the draft recommendations for which it requested responses public, so staff couldn't vet it with the Board before responding. She said in the materials provided to the Board members are the Division's final recommendations, as well as the Board's response letter, in which it is indicated it is an unofficial and non-binding response because staff was not able to seek the Board's input. Ms. Mehta said what staff was requesting at this time was that the Board discuss the Division's final recommendations, as well as approve the response for adoption. She said she thought the Division of Internal Audits was primarily looking at compensation, as most of its recommendations were directed at compensation, and there were two primary issues identified. One was the Executive Director's salary, which affected multiple boards. The Division has an interpretation of NRS 281.123, which says the salary of a person employed by the state is limited to 95% of the Governor's salary; however, the Division didn't take into account any of the exceptions to the statute, which says, "[e]xcept as otherwise provided in subsection 3 or NRS 281.1233," which don't apply, "or as authorized by statute referring specifically to that position, the salary of a person employed by the State . . . must not exceed" the 95 percent cap. She explained the Board's statute, which is similar to those of all the other boards, says the Executive Director's salary is set by the Board. Mr. Cousineau's salary was set in September 2014, at a public meeting, and he has had the same merit and cost-of-living increases that most of the Board's staff enjoys, so his salary has been reaffirmed every year. Because there is this discrepancy in the interpretation of these two statutes side by side, the Contractor's Board submitted a request for an Attorney General's Opinion regarding how to interpret its statute, which is almost verbatim of the Board's statute in light of NRS 281.123. We are still awaiting the Attorney General's Opinion.

Ms. Mehta stated the draft recommendations were brought to the Executive Branch Audit Committee on June 14, 2018, and the Governor sits on that Committee. At that Committee meeting, the Governor indicated he wanted to submit the same request for an opinion.

Ms. Mehta stated second recommendation under compensation didn't really pertain to us; it involved an Executive Director that contracts with several boards.

There was one additional recommendation that employee salaries should be commensurate with salaries in other State agencies. Ms. Mehta said when we sit down and talk about the budget, we look at those salaries and try to stay within those salaries, so we believe we are in compliance with that recommendation.

Ms. Mehta said the other interesting aspect of these recommendations is the Division of Internal Audits was relying on a very brief, one paragraph memo, that was issued by the Governor's Office in 2010. It is not published on the Governor's website, nobody had access to this memo, and it says that state agencies should follow the salaries that are established by the Department of Personnel. She said there is a question as to whether a prior administration's memo is even enforceable by subsequent administrations. Regardless, we actually engage in that exercise and try to make sure we are in line with State salaries.

The second major recommendation the Division had was to improve the legal support framework for boards, and its primary recommendation was that the boards utilize the Attorney General's Office for baseline legal advice and hire in-house counsel for the majority of their legal work. Ms. Mehta said this Board already does that. There are fairly rare instances where we hire outside counsel in areas of expertise we don't have, but for the most part we rely on the Attorney General's Office and our own in-house staff.

She said the third major item recommended by the Division was to establish standards for financial and administrative operation. This recommendation was geared toward the Department

of Administration, and what it said was that the Department of Administration should establish standards for financial and administrative operation of boards in order to ensure consistency across all the boards. Within that, it again discussed the salaries, but also recommended the boards establish operating reserves, which we will discuss under the next agenda item. Additionally, it addressed the process for contract approval through the Board of Examiners. We believe, based on the exemption from the State Budget Act, that we are in compliance, but if the Department of Administration comes out with regulations, we will abide by them. Finally, it discussed financial reporting, and said boards should be using the Governmental Fund Basis for Accounting so it comports with the statute identified in its recommendation. This Board is required to be audited every year, and that audit is submitted to the Audit Division of the Legislative Counsel Bureau (LCB), which we have been doing for years, and they have never complained about our accounting basis. Our accounting basis actually comports with the Governmental Fund Basis for Accounting; they just looked at it a little bit different from the way the LCB looks at it.

Ms. Jenkins explained the format we use is a proprietary format, similar to other businesses, and said it is in accordance with generally accepted government accounting principles. Many of the boards are using that, and have been for years. The auditors are recommending that we establish and produce a Governmental Fund Basis statement, and the reason they are asking for that is to compare it to General Fund agencies. Staff discussed it with our auditors and they said they could prepare a separate Governmental Fund formatted statement for us on our annual audit, so we don't see any reason not to proceed with that.

Dr. Havins asked about the differences between the two, and Ms. Jenkins outlined them.

The Department of Administration responded that it would look at promulgating regulations within the next six months. We look forward to that guidance so we can operate on whatever level they want us to.

Dr. Havins suggested that the Board provide a response that it is the position of the Board that it is awaiting the Attorney General's Opinion, to show good faith that the Board is not ignoring the audit.

Mr. Cousineau stated the Board was requested to respond by October 31 to the first three recommendations in the audit, and we will be providing that. Absent an Attorney General's Opinion, if it isn't in place at that time, we can provide additional information subsequently. But today, if the Board is desirous, staff would like to take the informal response that was tendered to the Division of Internal Audits on May 23, make it a formal response, and advance it with a piece of correspondence indicating that at our meeting today, the Board adopted it.

Dr. Hardwick moved that the Board adopt the letter of May 23, 2018, as its official position. Mr. Duxbury seconded the motion.

Discussion ensued regarding the motion, and the proposed response. Dr. Havins suggested adding a statement that the Board is awaiting the Attorney General's Opinion.

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

Agenda Item 27

CONSIDERATION AND APPROVAL OF REVISIONS TO BOARD POLICY AND PROCEDURE MANUAL, TO INCLUDE ADDITION OF RESERVE POLICY

Ms. Jenkins said that according to the recommendations of the Legislative Counsel Bureau (LCB) and the Governor's Office of Finance Audit Committee, staff was proposing the following reserve policy for the Board. "The Board shall endeavor to maintain an operating reserve of no less than 6 months and no greater than 12 months. The status of the reserves shall be monitored by the Executive Director. The status of the reserves shall be reported to the Board at quarterly public meetings by the Finance Manager. The measurement of the reserves shall be made using a full 2-year average monthly operating expenditures and an adjusted reserve balance. The adjusted reserve balance will include the fund balance, less restricted amounts, and adding in the GASB 68 adjustments due to the pension liability. The yearly budget shall reflect movement toward these designated benchmarks." Ms. Jenkins then explained that the formula used to calculate the adjusted reserve balance was recommended by the Legislative Auditor, and the range of months of reserves varied from the two entities, between 6 and 24 months, and staff was recommending 6 to 12 months. She said currently, the Board's reserves, as of 6/30/18, are at about 3 months.

Mr. Cousineau stated the adopted policy will be incorporated into the Board's Policy and Procedure Manual.

Discussion ensued regarding the proposed policy.

Ms. Mastroluca asked whether the policy should reflect what will occur in the event the Board falls low or goes over.

Ms. Jenkins explained that because the formula uses a two-year average, if the organization continues to grow, which we expect it to, it should be adjusted by the averages in the formula so the Board should still only end up with a certain amount of reserves based on what it is doing. So as the Board grows, it will grow.

Mr. Cousineau stated it has been recommended by the LCB, the Sunset Committee, and the Federation of State Medical Boards that the Board have a robust reserve, as the Board is subject to lawsuits.

Ms. Jenkins added that the Board defers income based on its licensing periods, so in addition to what the Board shows in its reserves, it also has the amount that has been set aside as deferred income to use over the course of the biennium.

Dr. Havins moved that the Board adopt the language that was read into the record. Mr. Duxbury seconded the motion, and it passed unanimously.

Agenda Item 28

CONSIDERATION AND APPROVAL OF AMENDED BUDGET FOR CALENDAR YEAR 2018

Ms. Jenkins explained that due to some of the changes in the Board's finances this year, the Board's auditors recommended that the Board adopt an amended budget. She said the proposed amended budget was a reallocation of expenses, and the bottom line was exactly the same as the budget the Board adopted in late 2017. So it was the same bottom line, it was merely a reallocation of expenses, and it was based on two things. The first is that the Board is no longer renting in

Reno, and the second is that the Board has hired its Medical Reviewers as employees. The changes in expenses were all highlighted, the differences in them came to zero, and it was the same net budget staff proposed at the end of 2017.

Ms. Mastroluca moved that the Board adopt the amended budget. Dr. Havins seconded the motion, and it passed unanimously.

Agenda Item 29

STAFF COMMENTS/UPDATES

Mr. Cousineau said the Board had a really impressive outreach presentation in Las Vegas at the Lou Ruvo Center, and thanked Dr. Prabhu and Ms. Peltyn for doing a wonderful job of helping facilitate it. He said the presentation was well-attended, and thanked Dr. Edwards and Dr. Havins for attending. He said staff has put out some feelers to hold an outreach program in Reno at Renown, at the main campus, probably sometime in late November or early December. Staff did an outreach presentation in Elko about a year-and-a-half ago, and some folks have reached out to us regarding another presentation in late winter or early spring.

Mr. Cousineau stated the next Board meeting will be held in Las Vegas, at the Renaissance Hotel. Keith Lee, Esq., the Board's lobbyist, will present the Board's legislative initiatives. There are only about seven or eight that we have pushed out, and he is very pleased to say that Maggie Carlton will be sponsoring the Board's bill.

Ms. Castagnola reported that on July 17 and 18, the northern investigative staff attended a seminar sponsored by the Reno Police Department. The guest speaker was a Jacksonville Sheriff's Office Detective who was involved in the DEA pill mill investigation that occurred in Florida several years ago. The name of the seminar was "Prescription Drug Abuse and Diversion," and some of the topics covered were developing drug cases, drug identification, undercover operations, interviews and interrogations, and searches and seizures. He also spoke about testifying in court on drug cases, and gave us some good tips.

On July 27, the southern investigative staff attended a seminar put on by Health and Human Services regarding sterilizing techniques at hospitals and clinics, and on August 22, she, Trent Hiatt and Libi Anders attended a half-day course on opioids, put on by the physicians who presented earlier in the meeting. The course discussed top state and national policy trends as a result of opioid-related information, legislation that has passed, what physicians can do to reverse the nation's opioid epidemic, and what they can incorporate into their practices as far as prescribing opioids.

Dr. Hardwick said that Dr. Havins had done a CME in Reno and in Las Vegas several months ago on the opioid laws, which were very well-attended, well-received and very objective, and he thanked Dr. Havins.

Mr. Cousineau said he will be on the panel for the physician burnout presentation on October 23 that CCMS Executive Director Alexandra P. Silver spoke about earlier in the meeting, and Dr. Prabhu might also be a late-minute addition/guest. On November 9, he and Pamela will be attending the National Association of Medical Staff Services conference in Las Vegas.

Mr. Kilroy said the Legal Division wanted to express its gratitude and appreciation to the Investigative Committee members in reviewing all the cases and working with the Legal Division in drafting settlements.

Dr. Prabhu said he wanted to compliment and congratulate the Legal team, as they are doing a fantastic job, and it is one of the best legal teams the Board has had in a long time.

Agenda Item 30

ELECTION OF OFFICERS AND APPOINTMENT OF INVESTIGATIVE COMMITTEE MEMBERS

Mr. Duxbury nominated Dr. Prabhu for President. Dr. Havins seconded the nomination. No other nominations were received. A vote was taken, and Dr. Prabhu was elected President, with Dr. Prabhu recusing himself from the vote and all other Board members voting in favor of the nomination.

Dr. Prabhu nominated Dr. Hardwick for Vice President. Dr. Nagy seconded the nomination. No other nominations were received. A vote was taken, and Dr. Hardwick was elected Vice President, with Dr. Hardwick recusing himself from the vote and all other Board members voting in favor of the nomination.

Ms. Mastroluca nominated Mr. Duxbury for Secretary-Treasurer. Ms. Peltyn seconded the nomination. No other nominations were received. A vote was taken, and Mr. Duxbury was elected Secretary-Treasurer, with Mr. Duxbury recusing himself from the vote and all other Board members voting in favor of the nomination.

Dr. Prabhu said that Dr. Hardwick will remain Chairman of Investigative Committee A, Dr. Nagy will remain the other physician member and Mr. Duxbury will remain the public member, and that he (Dr. Prabhu) will remain Chairman of Investigative Committee B, Dr. Muro will remain the other physician member and Ms. Peltyn will remain the public member.

Agenda Item 31

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 32

ADJOURNMENT

All Board members voted in favor of adjournment. Dr. Prabhu adjourned the meeting at 3:57 p.m.

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