

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, MARCH 1, 2019 - 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
Victor M. Muro, M.D.
Ms. April Mastroluca
Aury Nagy, M.D.
Michael C. Edwards, M.D., FACS
Weldon Havins, M.D., J.D.

Board Members Absent

None

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
Tori Sundheim, J.D., Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Rachakonda D. Prabhu, M.D., at 8:30 a.m.

Dr. Prabhu spoke of former Board member Sandy Peltyn, who passed away on December 1, 2018, and asked that the Board observe a moment of silence in her honor.

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

Ms. Daniels introduced new Licensing Administrative Assistant Christina Hall.

Agenda Item 2

PUBLIC COMMENT

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

Lesley Dickson, M.D. said she was there representing the Nevada Psychiatric Association. She explained that during the last legislative session, the mandate requiring two hours of suicide prevention CME was expanded to include all physicians, as well as a lot of other people. She said the Nevada Psychiatric Association and some of her colleagues at other agencies had been putting on suicide prevention CME courses; however, the attendance had been pretty sparse and there were a lot of physicians who had not yet completed this requirement. She said the law is a little murky, and she is not sure whether it is clear to people when they have to complete this requirement. She thanked the Board for including an ad in its newsletter regarding the suicide prevention course held by the Nevada Psychiatric Association two weeks previous, and asked that the Board send out another reminder that physicians need to do this CME. She said the Nevada Psychiatric Association would be putting the two hours of lecture from their conference online and she would send information regarding that to the Board for dissemination.

Agenda Item 3

APPROVAL OF MINUTES

- November 30, 2018 Board Meeting – Open/Closed Sessions

Ms. Mastroluca moved that the Board approve the Minutes of the November 30, 2018 Board Meeting – Open/Closed Sessions. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 4

LEGISLATIVE UPDATE

Keith L. Lee, Esq. the Board's Legislative Representative, stated he had represented the Board in this capacity since the 2003 Legislative Session. The current session was in its fourth week, with 13 weeks left to go, and 475 bills had been introduced, which is probably a little less than half of what would ultimately be introduced. He said they were monitoring all bills that deal with anything in Title 54, even if they are not directly related to Chapter 630. They were currently monitoring about 50 bills and bill draft requests (BDRs). Of those 50, approximately 15 had been introduced that were of some concern to the Board. The Board's BDR, which is being sponsored by Assemblywoman Sandra Jauregui, was still somewhere in legislative drafting, and they didn't know when we would receive it. He said he anticipated the next 3 weeks would be very busy, because the Legislature would be hearing probably 5 to 7 bills at each committee hearing, which is approximately twice that of what is usually heard. He said there were 2 bills that involve data collection. The Division of Insurance has a bill to collect certain data from all medical providers to determine network adequacy, i.e., whether doctors and other health care providers are available in a certain geographic area that health plans can enter into contracts with to provide services to their insureds. The bill had not been heard yet, and there were a lot of issues with respect to it that needed to be worked out. He explained that Senator Hardy's bill, SB171, would put more of an onus on the Board to collect data, and they were dealing with those issues. He said they were waiting for a third bill draft, which was really a job development bill, to come out, and were as yet unclear as to what the responsibilities of the licensing boards would be with respect to collection of that data. He said their understanding was that once all 3 bills were out, they would be consolidated into SB171. He said some of the issues with these bill drafts are: what information is being sought, what will be mandatory information, what will be voluntary information, who will collect the information, and what will be done with the information.

Mr. Lee then outlined several other bills of interest to the Board. He explained that Senator Hardy also has SB170, which is in part a Botox administration bill and also repeals the provisions in the opioid bill (AB474), enacted in the last legislative session, that require the Board to adopt regulations. Instead, the Board of Pharmacy would be required to adopt regulations, and this Board would have the ability to enforce the Pharmacy Board regulations as they apply to its licensees.

Mr. Lee explained there are 2 other bills of interest to the Board that have to do with credit card processing. One bill is really of no concern to this Board because it requires all licensing boards and commissions to accept credit cards, and this Board already accepts them. The other, SB219, brought by Senator Settlemeyer, says we cannot charge a pass-through for that and requires 2 signatures on every check. He said he spoke with Senator Settlemeyer, who indicated his intention is not to prevent boards and commissions from charging a pass-through; he wants them to be made whole on the pass-through if they choose to do so, but they are not to make money on the pass-through. With respect to requiring 2 signatures on checks, that provision is intended for small boards that don't have annual audits.

Mr. Lee explained there is also a bill that was introduced at the request of the City of Mesquite, which would essentially require all medical licensing boards to issue a provisional license to an applicant with no licensing issues within 30 days after submission of a complete application, for a 1-year period, and it would be subject to renewal. Mr. Lee said one of the great education challenges the Board has during a legislative session is to educate legislators and others as to its licensing process. If the Board receives a complete application and there are no disciplinary, medical malpractice, criminal or other issues that would prevent issuance of licensure, the Board issues a license immediately. The problem always seems to be either an incomplete application or other issues with respect to actions in previous jurisdictions.

Ms. Mastroluca asked whether there was a specific reason the City of Mesquite was asking for this.

Mr. Lee stated there is a hospital/clinic in Mesquite and their anecdotal story is that they have had physicians they wanted to bring on staff who were coming from other jurisdictions and were not licensed by this Board or it took forever to get licensed.

Ms. Mastroluca asked whether the City of Mesquite had been having discussions with other municipalities and trying to get traction for this, and Mr. Lee said to his knowledge, they had not.

Dr. Havins stated that another bill, SB187, addresses provisions in AB474, but doesn't treat all the affected specialties – physicians, dentists, optometrists – equally, and said he wondered whether it would be in the Board's interest to try to change it so all the affected specialties are treated similarly.

Mr. Lee said they would look into that. He added there are going to be a number of scope-of-practice issues that relate to all medical licensing boards which they will be monitoring.

Agenda Item 5

PRESENTATION BY AFFILIATED MONITORS, INC.

Vincent L. DiCianni, Esq., President of Affiliated Monitors, Inc., said it had been 6 or 7 years since he had been before the Board. He explained that he is an attorney, and represented doctors and dentists before regulatory agencies for about 25 years. During his career, there were a number of instances where a sanction would not necessarily be commensurate with the behavior. He said sometimes, not crossing "t"s or dotting "i"s could result in suspension or revocation of a license when there could have been something remedial that perhaps could have fixed some problem and allowed the practitioner to get back into good graces. But back then, in the 90s and early 2000s, there wasn't anything like that, so he started Affiliated Monitors in 2004. He said they have worked with this Board in the past, and have worked with and/or are working with boards in about 43 states. He then described the makeup of the company and the services they offer, and listed some of the agencies for whom they provide monitoring.

Dr. Hardwick asked Mr. DiCianni about the cost to the practitioner for substance abuse monitoring, and the duration of the monitoring program.

Mr. DiCianni described Affiliated Monitors' substance abuse monitoring program and estimated it might be \$500 or \$600 a month, depending on the amount of activity involved, and the tox screens are additional. The duration of the program is up to the licensing board, but is usually 3 to 5 years.

Agenda Item 6

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

- (a) Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC Chapter 630 to Repeal NAC 630.205, Regarding Prescription of Appetite Suppressants, in Its Entirety and Amend NAC 630.187 to Remove Reference to Dietary Guidelines and Update Guidelines for Chronic Use of Opioids (R008-17)
- (b) Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC Chapter 630 to Create a Regulation Regarding Disciplinary Action for Certain Violations Relating to Prescribing Controlled Substances (R145-18)

Ms. Mehta explained that last year, a workshop and hearing were held on the repeal of NAC 630.205; however, we didn't realize we didn't have LCB-approved language to repeal the regulation. The LCB sent the approved language in April 2018; however, its language also included a repeal of the reference to the dietary guidelines in that regulation. Since we were already in the process of workshopping NAC 630.187, to update the FSMB guidelines on prescribing opioids, we asked that it all be combined into one. The LCB then provided this approved language, which we brought to the Board for approval to go forward to workshop and hearing. A workshop was held on October 24, 2018, and a hearing was held on November 19, 2018. There were no comments received on the proposed regulation. Ms. Mehta requested that the Board adopt R008-17.

Dr. Havins moved that the Board adopt R008-17. Dr. Muro seconded the motion, and it passed unanimously.

Ms. Mehta explained the second regulation, R145-18, arose out of the requirement in AB474 to promulgate disciplinary regulations. The Board had previously proposed R100-17, and there was significant concern from the medical community about the proposed disciplinary regulation, so with the Board's approval, a subcommittee of 17 licensees, stakeholders, Board members and Pharmacy Board staff was formed to address those concerns. As a result, several regulations were promulgated by the Pharmacy Board, which helped clarify some of the confusion over AB474, and this proposed language came from language proposed by the subcommittee. This Board authorized staff to go forward with withdrawing R100-17 and obtaining a new LCB number to conduct a workshop and hearing on this language. A workshop was held on October 23, 2018, and a hearing was held on December 11, 2018. There was one set of written comments received, which were included in the materials provided to the Board, and we also received support from the Nevada State Medical Association. Ms. Mehta requested that the Board adopt R145-18.

Dr. Edwards moved that the Board adopt R145-18. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 7

REPORTS

(a) Investigative Committees

Dr. Hardwick reported that at its February 1, 2019 meeting, Investigative Committee A considered 87 cases. Of those, the Committee authorized the filing of a formal complaint in 5 cases, sent 19 cases out for peer review, requested an appearance in 6 cases, issued 12 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up, and recommended

closure of a total of 40 cases. He thanked Ms. Mastroluca for coming to Reno for the meeting. He said it was her first Investigative Committee meeting, and she did a superb job.

Dr. Prabhu thanked Dr. Muro for his active participation and said Ms. Mastroluca also did a fantastic job at her first Investigative Committee B meeting. He then reported that at its February 13, 2019 meeting, Investigative Committee B considered 74 cases. Of those, the Committee authorized the filing of a formal complaint in 4 cases, sent 5 cases out for peer review, requested an appearance in 5 cases, issued 10 letters of concern, referred 3 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 47 cases.

(b) Nevada State Medical Association

Catherine O'Mara, Executive Director of the Nevada State Medical Association (NSMA), reported that Nevada Physicians Day was held at the Legislature on Monday. There were 75 participants, including members of various medical societies in the state, medical students and residents. In conjunction with the Nevada Chapter of the American College of Surgery, NSMA will be hosting another event at the Legislature on April 11. NSMA is also working on outreach to the rural areas, and will host a Physicians Day celebration in Elko on March 29. With respect to the Legislative Session, Ms. O'Mara said she had been informed there will be a total of about 1,200 bills by the time all are filed. NSMA's top priorities for this legislative session are refinement of AB474 from the last legislative session and AB169, to establish a maternal mortality review committee. She explained that instances of maternal mortality are on the rise, and Nevada is one of the few states that doesn't have a maternal mortality review committee. She said several public health bills have come out in the last couple of weeks, and there are several very controversial issues being addressed. She said she wanted to make sure the Board was aware that SBI70 was not a Botox bill in the scope of practice area; rather, it addresses confusion in the law, inadvertently created by a bill from the last legislative session, as to whether or not educational events could occur within conferences in the state of Nevada. She said NSMA is still negotiating with insurers with respect to out-of-network emergency services, as they have very different views on what constitutes fair payment. NSMA believes there will be a lot of bills on drug pricing issues, insurance issues, public health, and increased spending for public health, and there is a bill to mandate electronic prescribing. She stated NSMA was also monitoring the physician assistants' bill and those involving data collection.

(c) Clark County Medical Society

Alexandra P. Silver, Executive Director of the Clark County Medical Society (CCMS), reported that a large contingency of southern Nevada physicians attended Physicians Day at the Legislature, including a resident and a student to advocate on behalf of themselves and their patients. She said CCMS was in the process of finalizing the details for its annual Mini Internship. This year, it is called "Wear the White Coat," and is designed to give community leaders, legislators and community advocates an opportunity to experience a day in the life of a physician. This will take place over the next two and a half weeks. CCMS is concluding its annual renewal process for its membership, and will be holding a number of events. There will be a CME event in April, with details to come. CCMS' second President's Roundtable will be held on May 1, and is designed to bring the presidents of all the medical societies and specialties in the area together to collaborate and discuss ways to be more supportive of one another. The CCMS installation dinner will be held on June 1, and Dr. Daniel Burkhead is the incoming CCMS President. Various awards will be given, and there will be a tribute to Sandy Peltyn for all of her support for the medical community, and CCMS in particular. She said NSMA was still looking for a replacement for Janice Poblete's position.

(d) Washoe County Medical Society

Mary Ann McCauley, Executive Director of the Washoe County Medical Society (WCMS), was not present at the meeting, but had submitted a written report, which was provided to the Board members for their review.

Agenda Item 8

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LINDSAY MARIE HOFFMAN, PA-C*, BME CASE NO. 18-34564-1

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

Mr. Fricke stated a formal Complaint had been filed against Ms. Hoffman alleging three violations of the Nevada Medical Practice Act, and outlined the terms of the proposed Settlement Agreement

Dr. Havins asked for information regarding the UNR prescribing continuing medical education (CME) course, which was part of the terms of the proposed settlement agreement, and Mr. Fricke provided the same.

Ms. Mastroluca moved that the Board approve the Settlement Agreement. Dr. Havins seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion

Agenda Item 9

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAVID ROBERT GOLAN, M.D.*, BME CASE NO. 19-10467-1

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

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

Dr. Havins moved that the Board approve the Settlement Agreement. Dr. Edwards 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. CARLOS ENRIQUE FONTE M.D.*, BME CASE NO. 18-9800-01

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

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

Ms. Mastroluca said as she read the materials, she felt it was clearly a case of malpractice. The recordkeeping was also an issue, but the fact that this woman, who suffered from dementia and was in a facility, almost lost her leg was unacceptable. She recommended that a count of malpractice be included in the settlement, and CMEs in geriatrics and recordkeeping be required, as well as a \$2,500 fine and expenses.

Mr. Cousineau stated that if the Board was not satisfied collectively with the proposed settlement terms, Ms. Mehta could work with opposing counsel to see whether revised settlement terms could be reached and brought back before the Board, and if not, then the matter would go to hearing.

Discussion ensued regarding the case and potential revised settlement terms.

Ms. Mastroluca moved that the Board reject the proposed Settlement Agreement. Dr. Edwards seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 11

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. YARON ZEDEK, M.D.*, BME CASE NO. 18-10652-1

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

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

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

Agenda Item 12

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MANE SULAIMAN SHAH, M.D.*, BME CASE NO. 18 33803-1

This matter was not discussed at the meeting.

Agenda Item 13

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOYCE PO KIN CHANG, M.D.*, BME CASE NO. 19-33320-1

Mr. Duxbury joined the meeting at 9.58 a.m.

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Chang alleging four 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. Ms. Mastroluca 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. ROBERT WATSON, M.D.*, BME CASE NO. 18-12823-1

This matter was not discussed at the meeting.

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. STUART SETH KAPLAN, M.D.*, BME CASE NO. 19-28531-1

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

Mr. Fricke stated a formal Complaint had been filed against Dr. Kaplan alleging one violation 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. Dr. Havins seconded the motion.

Dr. Nagy recused himself from consideration of the matter, as he was involved in ongoing negotiations with Dr. Kaplan at the time.

A vote was taken on the motion, and it passed, with Dr. Nagy recusing himself and all remaining 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. MICHELLE R. CLOUTHIER, RRT*, BME CASE NO. 19-24637-1

This matter was not discussed at the meeting.

Agenda Item 17

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Ms. Castagnola reported the current number of open investigative cases was 833 and the current number of cases per investigator was 104. There were 75 peer reviews in the field and 41 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 fourth quarter of 2018 was 8, for a total of \$45,951. The total written off during the

quarter was \$16,603, the total outstanding in costs was \$40,447, the total outstanding in fines was \$24,500, and the total costs collected during the quarter was \$43,241.

(c) Quarterly Update on Finances

Ms. Jenkins explained that an adjustment was made at the end of the year for a new governmental accounting standard. She met with the Board's auditors and went over it to ensure we had the right numbers and were making the right adjustment regarding this new requirement. The new requirement is that the Board accrue on its books a portion of the health insurance retirement benefit that is offered through the Public Employees' Benefits Program. That adjustment included a prior-year adjustment, which affected the Board's retained earnings of \$1.7 million.

Ms. Jenkins then highlighted the various sections of the Balance Sheet for the fourth quarter of 2018. The Board's current liquid assets were \$2.3 million, total assets were \$7.1 million, total liabilities and net position were \$7.1 million. The prior-year adjustment was included in the Equity section under Retained Earnings. The Board was already accruing its PERS liability, and now it is accruing a PEBP retirement liability as well. Pursuant to the formula we have adopted from the LCB to show the Board's reserves, this particular long-term liability is added back to the formula, so we do still show over three months of a reserve.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the fourth quarter of 2018. She stated the Board's income was better than budget by 1.5%, and the personnel expenses were about 1.9% above budget, which was primarily due to the year-end adjustments for the retirement and health insurance. Total expenses were over budget by about 3.5%, which was also primarily due to year-end adjustments. One of the adjustments, which really is the majority of the difference in the Board's expenses, was for the leasehold improvements at the Board's previous building, which had to be written off at the end of the year because we are no longer in the building. For the quarter, we were above budget by almost 20%; however, the year-to-date is only 5%, so we are very close on all of our numbers in our amended budget.

Ms. Jenkins advised the Board that its annual audit would begin on March 25.

Ms. Mastroluca asked about the bank service charges. Ms. Jenkins explained that the Board has an agreement with Wells Fargo whereby they offset a certain amount of the interest the Board earns on its checking against its bank charges. It is kind of a rolling account during the year. If there is an overage, they roll it to the next month, and then bill the Board once a year. So that amount is the total bank charges for the year.

(d) Legal Division Report

Mr. Kilroy reported there were currently 156 cases in the Legal Division, 6 of which had been presented to the Board for action at this meeting, 117 cases authorized for filing of a formal complaint, 26 cases in which a formal complaint had been filed that were pending hearings, and 23 letters of concern were approved by the Investigative Committees during their February meetings. Since the last Board meeting, formal complaints had been filed in 19 cases, which is up significantly over the previous quarter. He provided an update regarding the pending civil court cases in which the Board was currently involved. He advised the Board that the Supreme Court had issued an official opinion that due process protections occur when the formal complaint is filed against a licensee.

Agenda Item 18

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the November 30, 2018 Board Meeting

Dr. Edwards moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the November 30, 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 doing.

Agenda Item 19

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Poupak P. Ziaei, M.D.

Monte Stewart, Esq. appeared in Las Vegas as Dr. Ziaei's legal counsel.

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

Dr. Muro stated that Dr. Ziaei was appearing before the Board with respect to her application for reinstatement of her license, which had expired. Prior to expiration of her license, there had been some issues, including record keeping and competency to practice medicine, that resulted in her receipt of a public reprimand. He then asked Dr. Ziaei to describe the monitoring and counseling program in which she had participated, and she did so.

Dr. Muro said with respect to her competency to practice medicine, Dr. Ziaei had passed her board certification examination; however, from his perspective, that was just part of the competency issue that was being addressed. There were two parts. One is the program she was involved in, because it fell outside the normal framework in which that usually occurs, and the other is her competency, as competency is all-inclusive of us as individuals, and not just our clinical knowledge as evidenced by passing the boards.

Dr. Ziaei said all she had been doing was trying to follow what the Board had asked her to do, and she had done so to the best of her knowledge.

Dr. Muro asked Dr. Ziaei if a re-evaluation to assess her current state would be acceptable to her, and she said it would be.

Ms. Mehta suggested Dr. Ziaei's license could be reinstated conditioned upon her receiving a re-evaluation by a diversion group within 30 days, and then following any recommendations that come out of that re-evaluation.

Mr. Cousineau clarified that what staff was suggesting was that the Board give Dr. Ziaei an unrestricted license, to get her back to practice, but with the requirement that she undergo an evaluation for her mental fitness to practice medicine within a finite period. She would not need to come back before the Board unless it was necessary, based on the results of the evaluation.

Dr. Muro moved that Dr. Ziaei be granted an unrestricted license with the understanding that she will undergo a re-evaluation, and that will be memorialized in a Board order. Dr. Edwards seconded the motion, and it passed unanimously.

(b) Kenneth Kwang-Yul Kim, M.D.

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

Dr. Kim described the circumstances surrounding the single case of malpractice that had been filed against him.

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

(c) Constance Roseann Tambakis-Odom, M.D.

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

Dr. Edwards questioned Dr. Tambakis-Odom regarding her affirmative response to Questions 12 and 12a on her application for licensure.

Dr. Tambakis-Odom described the circumstances surrounding the single case of malpractice that had been filed against her.

Dr. Edwards questioned Dr. Tambakis-Odom regarding her affirmative response to Question 13 on her application for licensure.

Dr. Tambakis-Odom described the circumstances surrounding her arrest for driving under the influence in 2006.

Dr. Edwards questioned Dr. Tambakis-Odom regarding her affirmative response to Question 31 on her application for licensure.

Dr. Tambakis-Odom described the circumstances surrounding the North Carolina Medical Board's investigation of her with respect to prescribing practices, as well as the North Carolina Medical Board's and Georgia Composite State Medical Board's investigations of her with respect to her involvement with tattoo parlors that also performed tattoo removal, and the outcomes of those.

Ms. Mastroluca asked what Dr. Tambakis-Odom planned to do if granted a license in Nevada.

Dr. Tambakis-Odom explained that she did not plan to be an anesthesiologist forever. She is also boarded by the American Academy of Anti-Aging Medicine, and has a small practice, where she does Botox, cosmetic and other procedures, and she wants to practice telemedicine and retire from anesthesiology. One of her fortes is the HCG Diet, and she has patients in different states who are on the diet and are being monitored, and she uses audio-visual to practice with these patients.

Dr. Havins moved that the Board grant Dr. Tambakis-Odom's application for licensure. Dr. Muro seconded the motion, and it passed unanimously.

(d) Amy Elizabeth Sullivan, M.D.

This matter was not discussed at the meeting.

(e) Rajeev Sharma, M.D.

Dr. Prabhu asked Dr. Sharma 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 explained that Dr. Sharma was applying for a license by endorsement because he had not completed 36 months of progressive postgraduate training. He then asked Dr. Sharma to describe his postgraduate training.

Dr. Sharma described his postgraduate training and practice history, and said he had been offered a position at University Medical Center in Las Vegas with Dr. John Ham, whom he had previously worked with.

Dr. Prabhu asked Dr. Sharma how many transplants he had performed, and Dr. Sharma explained he had done around 200 liver transplants, 450 to 500 kidney transplants and 48 pancreas transplants.

Dr. Prabhu moved that the Board grant Dr. Sharma's application for licensure by endorsement. Dr. Hardwick seconded the motion, and it passed unanimously.

(f) Richard I. Mandelbaum, M.D.

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

Dr. Mandelbaum described the circumstances surrounding one of the two cases of malpractice that had been filed against him.

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

Dr. Mandelbaum said he planned to relocate to Nevada. He currently works with the New York City Department of Corrections, and would either like to work with the Department of Corrections, the VA or join a medical pediatrics practice here.

Dr. Hardwick moved that the Board grant Dr. Mandelbaum's application for licensure by endorsement. Ms. Mastroluca seconded the motion, and it passed unanimously.

(g) Huma Jahan Chaudhery, M.D.

Dominic Gentile, Esq. appeared with Dr. Chaudhery as her legal counsel.

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

Dr. Muro stated that Dr. Chaudhery was currently board certified and was licensed in Illinois with no derogatory actions. He then stated there were some questions with respect to two clinical rotations in which Dr. Chaudhery participated while in training; however, it didn't impact her ability to sit for her boards.

Dr. Prabhu said he didn't think this was an issue; that situations similar to hers happen all the time.

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

(h) William Harry Hartz, Jr., M.D.

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

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

Dr. Hartz described the circumstances surrounding two cases of malpractice that had been filed against him which resulted in settlements.

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

Dr. Hartz explained that he works for a national company that covers other radiology practices, so his practice covers the needs for nights, weekends, holidays and extra vacation time for a variety of large and small practices in 14 states, and Nevada is their newest state, where they cover Desert Radiology. His company requested that he obtain a Nevada license, since he is one of its three practice directors, and this will be one of the practices he will need to oversee.

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

(i) Mark Gordon Brown, M.D.

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

Dr. Brown described the circumstances surrounding a pending malpractice case that had been filed against him.

Dr. Nagy asked Dr. Brown about his practice history, and Dr. Brown described it.

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

Dr. Brown said his plan for Nevada is to perform teleradiology readings for institutions in the state; he does not plan to relocate here.

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

(j) Faisal Mujib Siddiqui, M.D.

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

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

Upon returning to open session, Dr. Havins moved that the Board grant Dr. Siddiqui's application for licensure with the understanding that he will receive a Board order that he complete his monitoring program. Dr. Edwards seconded the motion, and it passed unanimously.

Agenda Item 20

STAFF COMMENTS/UPDATES

Mr. Cousineau reminded the Board members of the upcoming Federation of State Medical Boards (FSMB) Annual Meeting in Fort Worth, Texas at the end of April. He said staff had presented the Board's outreach program at Renown in Reno in the middle of January, which had 60 or 70 attendees. He, Jasmine and Robert had been scheduled to present the outreach program in Elko on February 13; however, due to inclement weather, they only made it to Derby Dam, about 20 miles east of Reno, and had to cancel. The next outreach presentation is scheduled for March 21, at the Sun Coast in Las Vegas, and will be sponsored by the Philippine Medical Association. The Philippine Medical Association asked that he invite the Board members to attend. He said staff will try to reschedule the presentation in Elko for later in the spring. He stated that Dr. Hardwick and Mr. Duxbury had just done about a three-week tour in Cambodia, with a medical nexus, which he thought was commendable, and asked them to share some thoughts on it with the Board.

Dr. Hardwick said that Mr. Duxbury has no medical background and didn't know anyone there, but he was very well-received and, within a few days, they put him in charge of logistics, which is a huge job. He said he was proud to represent the Board along with Mr. Duxbury.

Mr. Duxbury said it is a very impressive program, which is much needed in that very poor community in Cambodia. They saw sometimes 1,000 patients a day.

Dr. Hardwick added that a lot of the doctors had been refugees themselves as kids.

Mr. Cousineau said he appreciated Dr. Prabhu's very eloquent, kind remarks about former Board member Ms. Peltyn. He said it was his understanding that her annual event is going to continue, and we will have representation there in May. While we have agreed as staff that we cannot use Board funds for a monetary donation, we probably would like to take up a collection

and offer some kind of monetary support so they continue the scholarships. He said he did not want the Board members to feel obligated, but if any were interested in that, to let him know.

Agenda Item 21
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 22
ADJOURNMENT

Dr. Prabhu adjourned the meeting at 1:14 p.m.

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