

AGENDA ITEM 3

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 via telephonic conference call

FRIDAY, JUNE 5, 2020 – 9:00 a.m.

Board Members Present

Rachakonda D. Prabhu, M.D., President
Mr. M. Neil Duxbury, Vice President
Ms. April Mastroluca, Secretary-Treasurer
Victor M. Muro, M.D.
Aury Nagy, M.D.
Weldon Havins, M.D., J.D.
Ms. Maggie Arias-Petrel
Bret W. Frey, M.D.

Board Members Absent

None

Staff/Others Present

Edward O. Cousineau, J.D., Executive Director
Sarah A. Bradley, J.D., MBA, Deputy Executive Director
Donya Jenkins, Finance Manager
Robert Kilroy, J.D., General Counsel
Aaron Bart Fricke, J.D., Senior Deputy General Counsel
Donald K. White, J.D., Deputy General Counsel
Laurie L. Munson, Chief of Administration and Information Systems
Ernesto Diaz, 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 9:03 a.m.

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

Agenda Item 2

PUBLIC COMMENT

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

Agenda Item 3

APPROVAL OF MINUTES

- March 6, 2020 Board Meeting – Open/Closed Sessions

Ms. Arias-Petrel moved that the Board approve the Minutes of the March 6, 2020 Board Meeting – Open/Closed Sessions. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 4

CONSIDERATION OF REQUEST OF JANET SULLIVAN, M.D., FOR BOARD AUTHORIZATION TO TAKE THE SPECIAL PURPOSE EXAMINATION (SPEX)

Dr. Sullivan's legal counsel, Maria Nutile, Esq., explained why the Board should grant Dr. Sullivan's request.

Dr. Prabhu moved that the Board grant Dr. Sullivan's request for Board authorization to take the SPEX. Dr. Muro seconded the motion, and it passed unanimously.

Agenda Item 5

CONSIDERATION OF REQUEST OF ALLISON MORGAN, M.D., FOR REMOVAL OF CONDITION ON HER MEDICAL LICENSE

Dr. Morgan and her Preceptor, Robert Gong, M.D., FACP, were present.

Dr. Gong described Dr. Morgan's preceptorship, and said he believed Dr. Morgan was qualified to have the preceptorship removed.

Dr. Frey moved that the Board remove the condition on Dr. Morgan's license. Dr. Edwards seconded the motion, and it passed unanimously.

Agenda Item 6

CONSIDERATION OF REQUEST OF JAMES ALEXANDER, M.D., FOR APPROVAL OF COLLABORATION AGREEMENT WITH APRIL CLYDE, APRN

Dr. Alexander and Ms. Clyde were present.

Ms. Clyde stated she had been licensed by the Nevada State Board of Nursing as an Advanced Nurse Practitioner since 2004. In 2008, the Board of Nursing took disciplinary action against her license. She completed required courses, and has practiced with an unencumbered license since then.

Dr. Nagy moved that the Board approve the Collaboration Agreement. Dr. Havins seconded the motion, and it passed unanimously.

Agenda Item 7

CONSIDERATION OF REQUEST OF VICTOR R. BRUCE, M.D., FOR REMOVAL OF CONDITION ON HIS MEDICAL LICENSE

This matter was not discussed at the meeting.

Agenda Item 8

CONSIDERATION OF REQUEST OF VINAY BARARIA, M.D., FOR BOARD AUTHORIZATION TO SUBMIT APPLICATION FOR LICENSURE AND POTENTIAL CONDITIONS OF LICENSURE PRIOR TO TAKING THE SPECIAL PURPOSE EXAMINATION (SPEX)

This matter was not discussed at the meeting.

Agenda Item 9

CONSIDERATION OF REQUEST OF IVAN LEE GOLDSMITH, M.D., FOR DETERMINATION OF COMPLIANCE WITH TERMS AND CONDITIONS OF PROBATION, AS PROVIDED FOR IN THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. IVAN LEE GOLDSMITH, M.D., BME CASE NO. 18-8756-1, AND CONSIDERATION OF ADDITIONAL CONDITIONS

Dr. Goldsmith and his legal counsel, John A. Hunt, Esq., were present.

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

Mr. Hunt stated that Dr. Goldsmith was requesting that the Board find he has satisfied the terms of his probation, and said he believed Board counsel would represent to the Board that Dr. Goldsmith was in compliance with those terms. He said Dr. Goldsmith is going to apply for an active license, and with that active license, with the concurrence of Board counsel, he will comply with various conditions, which Mr. Hunt then outlined.

Mr. Fricke said that Dr. Goldsmith and his counsel had collaborated extensively with Board staff in working out a plan that addresses Dr. Goldsmith's issues that were identified by the various examinations he underwent at PACE, and assures the Board of his competency and fitness to practice, as well as promoting his personal well-being as a practitioner. Mr. Fricke clarified that Dr. Goldsmith was asking essentially for two things. First, that the Board determine he has satisfied the terms of his Settlement Agreement, at which time he will be free to file a regular application for a change of status to active, and once completed, Dr. Goldsmith will receive an active license and may return to practice; however, he will still be on probation until December 2020, with the following conditions imposed. Dr. Goldsmith shall complete 40 additional CMEs related to proper medical recordkeeping and clinical decision-making, all to the satisfaction of the Board, within 6 months. This shall be in addition to the regular CMEs required for licensure.

Dr. Goldsmith shall receive individual therapy at least once every two weeks, to continue to address ongoing stressors as he reenters practice, and address other previously identified issues. To that end, Dr. Goldsmith shall submit for the next year, quarterly reports to the Board apprising us of: his progress and professional activities, and his progress toward addressing the issues described in his evaluations. Upon compliance with the foregoing, after one year, and assuming progress is demonstrated to the satisfaction of the Board, the foregoing conditions will be lifted. Mr. Fricke said they believed these steps will ensure Dr. Goldsmith's professional competency and fitness and promote his personal health, which are always the Board's paramount concerns. Dr. Goldsmith has already done quite a lot to rehabilitate himself and to make amends, and he has fulfilled the terms of the Settlement Agreement, at considerable effort and expense. Therefore, they think this is a fair and salutary way to let Dr. Goldsmith begin serving the patients of Nevada again. If the Board agrees with this proposal, the foregoing terms will be reduced to a formal Stipulation and Order of the Board.

Discussion ensued regarding whether Dr. Goldsmith would be required to return before the Board at the end of the one-year period to request that the conditions be lifted. It was agreed that Dr. Goldsmith will appear before the Board at the conclusion of the year.

Dr. Frey moved that the Board accept the agreement, with the additional stipulation that Dr. Goldsmith will appear before the Board at the end of the year. Dr. Havins seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 10

CONSIDERATION OF REQUEST OF STEPHEN WINSLOW GORDON, M.D., FOR ORDER CLARIFYING AND AMENDING THE TERMS OF THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. STEPHEN WINSLOW GORDON, M.D., BME CASE NO. 19-11531-1

Dr. Gordon and his legal counsel, Kathleen Janssen, Esq., were present.

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

Ms. Janssen stated that Dr. Gordon was requesting that the Board lift the restrictions on his license. She said Dr. Gordon had been in full compliance with the Settlement Agreement over the past year, and had made essentially a huge change in his practice; he closed his cosmetic surgery practice and essentially pivoted to use his skills and experience to wounds and burn care. As part of that, he also took steps to rather than be out on his own in some regards, accepted a position with a large, multi-state burn and wound care entity known as BRCA, that takes care of patients at Sunrise Hospital. He has been there for several months, loves the work, and is doing very well. The terms of his employment with BRCA preclude him from maintaining a private practice, and he does not do any of those cosmetic procedures identified in the Settlement Agreement. The restricted license is now causing the various credentialing departments of insurance companies, as well as specialty boards, to give denials or potentially take action against his credentialing. The work he is doing is highly regarded and much needed.

Mr. Fricke said the proposed language is spelled out in the request, and Board counsel would generally agree with Ms. Janssen's characterization of Dr. Gordon's practice and would support the proposition to amend the Settlement Agreement with that proposed language.

Dr. Frey moved that the Board accept the proposal as laid out. Dr. Edwards seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 11

CONSIDERATION OF REQUEST OF JORGE Y. BURGOS, M.D., FOR MODIFICATION OF HIS FORMAL MONITORING AGREEMENT PURSUANT TO THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JORGE Y. BURGOS, M.D., BME CASE NO. 17-26547-1

Dr. Burgos and his legal counsel, Crane Pomerantz, Esq., were present.

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

Mr. Pomerantz stated that in December 2017, Dr. Burgos entered into a Settlement Agreement with the Board. As part of that agreement, he was required to have a female monitor with him during all patient encounters with female patients. Dr. Burgos had been utilizing two monitors; however, one of them is high risk, and the other is only able to work part-time, so he was requesting that a new monitor be approved.

Dr. Nagy moved that the Board grant Dr. Burgos' request to modify the monitoring agreement. Ms. Arias-Petrel seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 12

CONSIDERATION OF REQUEST OF NERI M. BLANCO-CUEVAS, M.D., FOR MODIFICATION OF TERMS OF THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. NERI M. BLANCO-CUEVAS, M.D., BME CASE NO. 19-12338-1

Dr. Blanco-Cuevas and her legal counsel, Crane Pomerantz, Esq., were present.

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

Mr. Pomerantz stated that Dr. Blanco-Cuevas was requesting an order that she be deemed fit for duty, and that she has completed her PACE recommendations. He said he had worked closely with Mr. White, and thanked him for his professionalism in the matter. He stated Dr. Blanco-Cuevas is extremely contrite and is working very hard to improve upon herself, based on the recommendations in the PACE report, and her request should be considered through that lens. Mr. Pomerantz outlined the five recommendations that were contained in the PACE report. He explained that Dr. Blanco-Cuevas had provided the Board with a certificate of completion regarding the medical record keeping course, a letter dated March 29, 2020, from a mental health professional, certifying that she had completed the psychotherapy sessions, a book report confirming her completion of the book as directed by PACE, and a statement from Dr. Blanco-Cuevas regarding the self-growth in which she is engaged. He said the focus of their request was on the remaining two recommendations – the records review and the professional coach. He explained that Dr. Blanco-Cuevas had a well-respected colleague, Dr. Biliانا Darzev, review 50 medical charts for dates of service between December 2, 2019 and April 20, 2020, and Dr. Darzev concluded that Dr. Blanco-Cuevas' charts showed 92% documentation compliance. Dr. Darzev's review specifically addressed those issues that were contained in the recommendation in the PACE report. Therefore, they believed that obligation has been completed and they had provided

documentation to the Board with respect to it. He stated with respect to the PACE recommendation for a professional coach, a professional coach was not defined in the PACE report itself. It was appended to the report; however, neither Dr. Blanco-Cuevas nor Board counsel received that, so nobody quite understands the requirement. He said they believed that requirement was captured by the psychotherapy, as well as the book report and the letter Dr. Blanco-Cuevas submitted to the Board. So they were requesting that Dr. Blanco-Cuevas be deemed fit for duty, and the requirement of a professional coach be waived, in part because she had met all the other obligations, which addressed the PACE report concerns, and also because nobody seems to know what this requirement is. He said this has had a significant financial hardship on Dr. Blanco-Cuevas, and most hospitals will not consider applications for privileges if there is no history of cases for a 12-month period of time. She cannot even apply for privileges at, for instance, two of the large hospitals in town, because they won't entertain her application while the fitness for duty/PACE recommendations are pending, and if she is required to undergo 3 months of professional coaching, it will be 19 months since she started this process, and there is no way she could possibly earn back surgical privileges at any of these hospitals.

Mr. White said he concurred with what Mr. Pomerantz had stated. Board staff had attempted to contact PACE to obtain the attachment regarding the professional coach, to no avail. He said he supported Dr. Blanco-Cuevas' proposal, but he suggested, on an informal basis, that Dr. Blanco-Cuevas continue her therapy, as it seemed to have helped her a lot.

Dr. Prabhu moved that the Board grant Dr. Blanco-Cuevas' request. Dr. Frey seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 13

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 Provide for Licensure by Endorsement for Practitioners of Respiratory Care (R009-19)
- (a) Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC Chapter 630 to Provide for Licensure by Endorsement for Perfusionists (R010-19)
- (c) Review of Public Comments on, and Consideration of Adoption of, Proposed Amendment to NAC Chapter 630 to Recognize Continuing Education Credit for Continuing Education Courses on the Diagnosis of Rare Diseases (R086-19)

Ms. Bradley stated that a workshop and a hearing had been held on the three regulatory amendments that were before the Board. One person attended the workshop just to observe, no one attended the hearing, and no comments had been received regarding any of the regulations. She explained that the reason for the first two proposed amendments is that NRS 622.530 says that all boards should create endorsement language. This Board already has this language for physicians and physician assistants. R009-19 would create a provision for licensure by endorsement for practitioners of respiratory care, and R-010-19 would create one for licensure by endorsement for perfusionists. The proposed language is virtually identical to what NRS 622.530 allows the Board to do.

Ms. Bradley explained that the third proposed amendment adds additional credit for continuing education on rare diseases. In 2019, the Legislature directed the Board to encourage licensees to take continuing education in this area, and this is the way the Board is encouraging it. The Board already has a regulation that does something very similar with geriatrics, gerontology and treatment of Alzheimer's and other forms of dementia, and this adds courses on rare diseases to that.

Ms. Mastroluca asked whether there is a definition of a rare disease. Ms. Bradley said it was not defined in the part of the chapter that was changed; however, it does specify that it includes, without limitation, "[r]ecognizing the symptoms of pediatric cancer" and "[i]nterpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination."

Dr. Frey moved that the Board adopt the three modifications to NAC Chapter 630. Mr. Duxbury seconded the motion, and it passed unanimously.

Agenda Item 14

REPORTS

(a) Investigative Committees

Mr. Duxbury reported that at its May 8 2020 meeting, Investigative Committee A considered 62 cases. Of those, the Committee authorized the filing of a formal complaint in 1 case, sent 11 cases out for peer review, requested an appearance in 3 cases, issued 8 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up, and recommended closure of a total of 38 cases.

Dr. Prabhu reported that at its May 20, 2020 meeting, Investigative Committee B considered 62 cases. Of those, the Committee authorized the filing of a formal complaint in 1 case, sent 4 cases out for peer review, requested an appearance in 1 case, issued 15 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up, and recommended closure of a total of 40 cases.

(b) Nevada State Medical Association

Jaron Hildebrand, Executive Director of the Nevada State Medical Association (NSMA) reported that NSMA had been working on various campaigns with respect to COVID-19, one of which was the Stay Safe, Stay Open campaign, which began in Clark County, and had been working its way north. The public service announcements had been going on for about a week in Clark County. He then outlined several issues that would be on the agenda for the Special Session of the Legislature related to the budget. He said about \$96 million was received from the Cares Act, a lot of which would be going to contact tracing and testing. The goal is to test 2% of the state each month for the rest of the year. They are also stockpiling 60 days' statewide worth of PPE, in case there is a second surge. Nevada was chosen by the AMA to be one of 10 states for its survey, which went out this week. NSMA has been working on the out-of-network regulations. The regulations dealing with the Cancer Registry have been put on hold, and a legislative fix will be sought during the next legislative session. With concerns of medical malpractice increases in the coming session, Keep our Doctors in Nevada (KODIN) initiative is ramping up. There will be a phone call next week to restructure the bylaws of the Board, which will likely pass, and they will get it moving forward over the next month. With respect to COVID-19, Dr. Lesley Dickson had

started Curbside Nevada, a hotline of doctors helping doctors, and there are 14 of them taking calls from noon to 10 p.m. every day. The casino industry opened on June 4, and NSMA is monitoring that. He reported that 40% of all deaths from COVID-19 in Nevada have been in skilled nursing facilities. He then discussed testing and monitoring in Nevada. He said the NSMA Annual Meeting will be virtual, and will be held in August, and the AMA Annual Meeting will be held this weekend, and will also be virtual.

Dr. Frey thanked Mr. Hildebrand for working with the Governor's staff, almost daily at times, to help Nevada through this pandemic.

(c) Clark County Medical Society

Denise Selleck, Executive Director of the Clark County Medical Society, was not in attendance at the meeting, but had submitted a written report prior to the meeting, which had been provided to all Board members.

(d) Washoe County Medical Society

No report was presented at this meeting.

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MANISH J. PATEL, M.D.*, BME CASE NO. 20-46475-1

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

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

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

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. WILLIAM LEE BOREN, M.D.*, BME CASE NO. 19-7440-1

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

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

Ms. Mastroluca moved that the Board accept the proposed Settlement Agreement. Ms. Arias-Petrel 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. HUY NGUYEN, M.D.*, BME CASE NO. 19-30254-1

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

Mr. Kilroy stated a First Amended Complaint had been filed against Dr. Nguyen 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 proposed Settlement Agreement. Dr. Frey seconded the motion.

Dr. Muro said he thought that by accepting the lesser count for failure to timely consult, it in a way ignores the more serious count for failure to diagnose, and that should somehow be recognized.

Ms. Mastroluca said she agreed with Dr. Muro, and she felt that by dismissing the count of malpractice, the Board was shirking its duties.

Further discussion ensued regarding whether the Board should accept the proposed Settlement Agreement as presented.

A vote was taken on the motion, and it passed, with Ms. Mastroluca and Dr. Muro voting against the motion, and all other 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. GARY C. RIDENOUR, M.D.*, BME CASE NO. 20-6691-1

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

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

Dr. Edwards moved that the Board approve the Settlement Agreement. Mr. Duxbury seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 19

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that 499 Complaints had been received between January 1 through June 3, 2020. A total of 238 Complaints were opened as actual investigations. The remaining 261 Complaints were not under the Board's jurisdiction. The current number of open investigative

cases was 1,019, and the current average number of cases per investigator was 113. There are seven full-time Investigators, one Deputy Chief and one Chief. There were 43 peer reviews in the field and 48 peer reviews pending assignment, for a total of 91.

Dr. Prabhu welcomed Mr. Diaz to the Board.

(b) Quarterly Compliance Report

Ms. Jenkins reported the total number of files in collection with the State Controller's Office for the first quarter of 2020 was 8, for a total of \$45,951.66, and there were no collections written off during the quarter. The total outstanding in costs was \$75,299.94, the total outstanding in fines was \$16,700.02, and the total costs collected during the quarter were \$39,891.15.

(c) Quarterly Update on Finances

Ms. Jenkins stated the Board had a solid first quarter of 2020 financially as an entity. The Board's current assets remain strong at \$5.9 million, fixed assets at \$3.5 million and total assets at \$10.7 million. The Board's current liabilities were at \$5.2 million, giving it a positive quick ratio, which means that the Board's current assets were stronger than its current liabilities. The total liabilities and net position for the quarter was \$10.7 million.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the first quarter of 2020. Total income was at 99.6% of budget, at \$1.2 million, total personnel expenses were exactly at 100% of budget, operating expenses were at 81.6% of budget, with a net income for the quarter of \$67,625.99, which improved the Board's reserve to 4.5 months. The goal is 6 to 12 months of reserves, and the Board is moving in the right direction.

Mr. Duxbury asked Ms. Jenkins what impact she thought the COVID-19 epidemic would have on the Board's finances moving forward.

Ms. Jenkins said after what she had seen for the quarter, the Board will continue to have a strong second quarter. The Board is actively receiving new license applications and requests for license verifications. Staffing issues that have been a part of the Coronavirus epidemic have put staff a little behind on receipting everything that is coming in, but she expects us to be up to date by the end of the quarter, and the second quarter looks very strong. She hasn't seen a decrease in receipt of new applications, which is the strongest part of the Board's continued income. Additionally, the Board is still recognizing income from the previous renewal period.

(d) Legal Division Report

Mr. Kilroy reported there were 146 cases, plus 17 Interstate Medical Licensure Compact Cases, for a total of 163, in the Legal Division. Four cases were presented to the Board for settlement at this meeting, and no cases were presented to the Board for adjudication. In the last quarter, no cases were closed and/or dismissed by the Investigative Committees upon a subsequent review of the matter. There were 142 cases authorized for filing of a formal complaint in which complaints had not yet been filed, 15 cases in which a formal Complaint had been filed that were pending hearings, and 8 cases in which a formal Complaint had been filed in the last quarter. Twenty-five letters of concern were drafted by the Legal Division on behalf of the Investigative Committees. Mr. Kilroy then provided an update regarding the single pending civil court case in

which the Board was currently involved. Mr. Kilroy expressed his appreciation to the Legal Division staff for their efforts during the last quarter, and expressed appreciation for the increased energies between the Investigations and Legal Divisions, as facilitated by Ms. Bradley, when she stepped into the role of acting as Chief of the Investigations Division, and following on with the new Chief, Mr. Diaz. He said he sincerely believes that the synergies between the two divisions are growing stronger, and they will all become more efficient and effective.

Dr. Prabhu thanked Mr. Kilroy, and said the Board appreciated him and the hard work of his team members.

Agenda Item 20

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 6, 2020 Board Meeting

Dr. Havins moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the March 6, 2020 Board Meeting. Dr. Nagy seconded the motion, and it passed unanimously.

Agenda Item 21

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Kent Alan Swaine, M.D.

Dr. Prabhu asked Dr. Swaine 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, Dr. Swaine said he was withdrawing his application.

(b) Stephen Edward Holmes, M.D.

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

Dr. Frey stated that Dr. Holmes was applying for licensure by endorsement. He is a family practitioner and his Board Certification expired in 2016. He has held a number of positions practicing medicine over the last 15 years. He recently applied for licensure in South Dakota and was denied licensure. He was planning to sit for the American Board of Family Medicine boards in the summer of 2020. Dr. Frey then stated that when granting licensure by endorsement, the Board is concerned with competency, and asked Dr. Holmes how he could demonstrate his competency to the Board.

Dr. Holmes explained that due to COVID-19, he now planned to take the recertification exam in November. He is Board-eligible, continues to take CMEs, and has continued to work. He then described his work history.

Dr. Frey said he thought if Dr. Holmes were to pass some type of competency exam, such as the Special Purpose Examination (SPEX), the Board could be confident in his competency. There were a couple of clear options available to Dr. Holmes: one would be for him to take and pass his board recertification in November, and another would be to take and pass SPEX even before that.

Mr. Cousineau explained that licensure by endorsement is traditionally granted to those individuals with an extraordinary skillset, one that is in significant need or demand in the state.

Dr. Frey stated Dr. Holmes could withdraw his application, and proceed to take either the SPEX or his board recertification, and passage of either of those would effectively secure him a licensure in the state through the normal pathway.

Ms. Daniels said Dr. Holmes had been advised to take SPEX early in his application process, and if he had taken and passed SPEX, he wouldn't have been before the Board. The Board could allow him to leave his application open for a certain period, and he could take and pass SPEX, and then the Board could grant his license. However, his license application would time out in the next couple of months, so he would need to do one or the other by the end of the year.

Mr. Duxbury suggested the Board allow him to leave his application open until December 31.

Ms. Daniels said that SPEX would be the quicker fix for him. Once the Board learns of a passing score for SPEX, Dr. Holmes' license could be granted, and the results of his ABMS exam may take months, which might go beyond December.

Mr. Cousineau asked Dr. Holmes if he understood that the Board was not going to take a vote on his application for endorsement, and his application would remain open with the potential he would be licensed administratively, contingent upon passage of a major examination.

Dr. Holmes said he understood that.

Agenda Item 22

CONSIDERATION AND APPROVAL OF 2019 BOARD ANNUAL REPORT

Mr. Cousineau thanked all those who contributed to the content included in the report. He then asked whether any Board members had questions with regard to the proposed 2019 Board Annual Report, and none were received.

Dr. Havins moved that the Board approve the 2019 Board Annual Report. Ms. Mastroluca seconded the motion, and it passed unanimously.

Agenda Item 23

STAFF COMMENTS/UPDATES

Mr. Cousineau thanked the Board members and staff for their contributions and participation in the meeting. He said that in mid-March, Board staff went to a staggered schedule based on the pandemic and not knowing how it would evolve. Staff worked on a part-time basis for about a month or so, we increased the hours somewhat over the course of the following month, and the day after Memorial Day, all staff went back to a full-time schedule. Understandably, we fell a little behind in all divisions, in all of our efforts. He specifically commended Ms. Daniels and the

Licensing team for all they have done, despite being short-staffed, and the licensing demand has increased rather than slowing down, and thanked the rest of the divisions and their staff for their contributions during this unique time.

Mr. Cousineau reported that he, Ms. Bradley and Ms. Daniels had given an hour outreach program to the University of Nevada, Reno physician assistant program. It was the first physician assistant program at UNR, and there will be about 50 individuals who will be graduating this fall. The outreach was very well received, and he thinks all the attendees really got something out of it. He said the new Las Vegas office space was a little behind schedule based on current circumstances, but it is moving along. Yesterday, he picked out some of the materials for the new space.

Ms. Bradley said staff will keep moving forward and will let the Board know once we are ready to move in. Mr. Cousineau has already spoken with the current landlord, and we have a plan in place with regard to the current space and with moving.

Dr. Havins asked if there was a rough move-in date. Ms. Bradley said it will depend on how much longer it takes them to finish construction. Mr. Cousineau said we will be in the new space in time to hold the December meeting there.

Ms. Bradley reported that the Board had signed an agreement with a company named Thentia, a Canadian company with authorization to do business in the United States, and they have an office in Portland. We looked at three different vendors and chose them, primarily because we thought the software looked the best, and happily, it was also the best price. This new software will really improve the office processes, and there will be a lot less moving of paper, as we will have things electronically. Over the summer months, Thentia will be reaching out to us to determine what our processes are and what we need. We will have licensing functions, legal functions, investigations functions, and logins for Board members. Licensees will have an online portal, and will be able to login and change their address, request a licensure verification, and pay for things online.

Agenda Item 24
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 25
ADJOURNMENT

Dr. Prabhu adjourned the meeting at 12:11 p.m.

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