

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

Aury Nagy, 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 Teleconferenced to

the Conference Room at the Offices of the
Nevada State Board of Medical Examiners
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

THURSDAY, FEBRUARY 2, 2023 – 12:00 NOON

Board Members Present at Board Office in Reno
Col. Eric D. Wade, USAF (Ret.)

Board Members Present at Board Office in Las Vegas
None

Board Members Present by Telephone
Aury Nagy, M.D., President
Nicola (Nick) M. Spirtos, M.D., F.A.C.O.G., Vice President
Ms. Maggie Arias-Petrel, Secretary-Treasurer
Victor M. Muro, M.D.
Chowdhury H. Ahsan, M.D., Ph.D., FACC
Carl N. Williams, Jr., M.D., FACS

Board Members Absent
Bret W. Frey, M.D.
Ms. Pamela J. Beal

Staff/Others Present at Board Office in Reno
Edward O. Cousineau, J.D., Executive Director
Sarah A. Bradley, J.D., MBA, Deputy Executive Director
Donya Jenkins, Chief of Finance and Human Resources
Laurie L. Munson, Chief of Administration and Information Systems
Deonne E. Contine, J.D., General Counsel
Lynnette Daniels, Chief of Licensing
Kory Linn, Deputy Chief of Licensing

Staff/Others Present by Telephone
Henna Rasul, J.D., Senior Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

President Aury Nagy, M.D., called the meeting to order at 12:02 p.m.

Mr. Cousineau took roll call, and all Board members were present with the exception of Bret W. Frey, M.D. and Ms. Pamela J. Beal. Mr. Cousineau announced there was a quorum.

Agenda Item 2

PUBLIC COMMENT

Dr. Nagy 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

- December 2, 2022 Board Meeting – Open/Closed Sessions

Ms. Arias-Petrel moved that the Board approve the Minutes of the December 2, 2022 Board Meeting – Open/Closed Sessions. Mr. Wade seconded the motion.

Dr. Nagy said he wanted to make sure the proposed Minutes were appropriate in terms of their characterization of Tom Clark as a lobbyist for the Board.

Mr. Cousineau stated the Board has a contract with Mr. Clark. Ms. Bradley added that the contract was approved by the Board of Examiners.

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

Agenda Item 4

DISCUSSION AND POSSIBLE CREATION OF A LEGISLATIVE SUBCOMMITTEE OF THE BOARD

Dr. Nagy stated that in the upcoming legislative session, there will be many issues that are going to affect healthcare. Some of the proposed laws that legislators will be voting on will affect

licensing of physicians in the State, and it may be useful for the Board to have input regarding the Legislature's desires. To the extent the Board should have input, it would be appropriate for Board members to be able to discuss these items in order to provide approval, or otherwise, to such measures. In order to speed the ability of the Board to respond, he thought the Board should create a subcommittee.

Mr. Cousineau said that staff's recommendations would be that the subcommittee be comprised of three Board members, and that the subcommittee meet bi-weekly, although, depending upon the volume during the session, it could be more frequently. The purpose of the subcommittee would be to allow staff and the Board's lobbyists to advance positions of the Board to the Legislature's committees that they normally would not be able to, because this subcommittee would be empowered to make recommendations, pro or con or neutral.

Dr. Nagy stated that Ms. Arias-Petrel, Dr. Muro, and Mr. Wade had expressed interest in serving on the subcommittee, and asked whether any other Board members were interested in serving on the subcommittee.

Dr. Spirtos said he would also like to serve on the subcommittee.

Mr. Cousineau said the subcommittee could be comprised of five members, but that would require three members, rather than two, for a quorum, and said he wanted to make sure the subcommittee members understood there will be a time commitment, as it will require preparation and the subcommittee will be meeting regularly.

Dr. Nagy stated Dr. Frey had offered to be an alternate. Mr. Cousineau said he didn't think there could be alternates on the subcommittee.

Dr. Nagy said he thought the subcommittee should also have oversight over regulatory matters for the Board.

Ms. Bradley explained that because this item had only been agendaized to consider creation of a subcommittee to review legislative initiatives for the 2023 Legislative Session, that is something the Board could discuss at the March Board meeting.

Dr. Muro moved that the Board create a Legislative Subcommittee of the Board comprised of the following Board members: Dr. Nagy, Dr. Spirtos, Ms. Arias-Petrel, Dr. Muro and Mr. Wade. Dr. Spirtos seconded the motion and it passed unanimously.

Agenda Item 5
PUBLIC COMMENT

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

Weldon Havins, M.D., J.D., said if the Board has a subcommittee comprised of five Board members, it is creating a quorum of the Board when that subcommittee meets, and those meetings must comply with the requirements of the Open Meeting Law. If the subcommittee is comprised of less than a quorum of the Board, it doesn't have to comply with the Open Meeting Law with respect to those meetings.

Mr. Cousineau stated that was not staff's understanding of the Open Meeting Law, so even if the subcommittee was comprised of fewer Board members, the Board would still comply with all the requirements of the Open Meeting Law with regard to those meetings.

Dr. Nagy said in order to avoid any potential conflicts, the Board might want to reconsider the structure of the Legislative Subcommittee.

Ms. Bradley explained that any subcommittee created by the Board to make opinions on behalf of the Board must follow the Open Meeting Law, and this is very clear in both the Attorney General's Open Meeting Law Manual and the Attorney General's Opinions, as well as in a memorandum that staff just received from Chief Deputy Attorney General Rosalie Bordelove clarifying how legislative subcommittees should work. Regardless of the number of subcommittee members, the subcommittee must follow the Open Meeting Open Law because it is a subcommittee formally created to take positions and do work on behalf of the Board.

Dr. Nagy said he would like to note that the Board of Medical Examiners was represented at the recent Clark County Medical Society annual Scientific Poster Presentation that occurred over the weekend. There was a substantial number of outstanding research projects, at least two of which have the potential to change the standard of care in the fields in which they were presented. He thought they did a very good job and wanted to commend those involved. They asked him to preside over and help judge on that committee. He said it was a very enlightening experience, he appreciated the opportunity, and said he wanted to commend them for the work they are doing on behalf of the State of Nevada in an attempt to help improve the quality of healthcare.

Dr. Nagy said he wanted to add for discussion and potential action at the next Board meeting, the following items: (1) that the members of the Board be notified of all public meetings of the Nevada State Board of Medical Examiners at least two weeks prior to any such meeting; (2) that the Board consider adoption of *Robert's Rules of Order* to govern the actions of the Board; (3) that the Board discuss the potential of a formal RFP for a public relations company for the Board; and (4) that the Board discuss possible creation of four additional subcommittees to oversee some of the actions the Board performs, i.e., a licensing improvement subcommittee, a complaints and investigations oversight subcommittee, a legal operations oversight subcommittee, and a continuing education subcommittee. Additionally, he would like to discuss potential expansion of the Legislative Subcommittee's actions to oversee regulatory changes proposed by the Board, particularly in light of the Governor's request that boards simplify processes for licensing in our State. He would also like to add for discussion and potential action an addition to the regular agendas for Board meetings of a section regarding new business, at which Board members may present new business items outside the public comment sections of the agendas.

Agenda Item 6
ADJOURNMENT

Dr. Nagy adjourned the meeting at 12:23 p.m.

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