

**NEVADA STATE BOARD OF MEDICAL EXAMINERS**

9600 Gateway Drive  
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.  
*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

***FRIDAY, SEPTEMBER 15, 2023 – 8:00 a.m.***

***Board Members Present***

Aury Nagy, M.D., President  
Nicola (Nick) M. Spirtos, M.D., F.A.C.O.G., Vice President  
Ms. Maggie Arias-Petrel, Secretary-Treasurer  
Bret W. Frey, M.D.  
Chowdhury H. Ahsan, M.D., Ph.D., FACC  
Ms. Pamela J. Beal  
Col. Eric D. Wade, USAF (Ret.)  
Carl N. Williams, Jr., M.D., FACS  
Irwin B. Simon, M.D., FACS

***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, Chief of Finance and Human Resources  
Laurie L. Munson, Chief of Administration and Information Systems  
Ernesto Diaz, Chief of Investigations  
Deonne E. Contine, J.D., General Counsel  
Donald K. White, J.D., Senior Deputy General Counsel  
Brandee Mooneyhan, Deputy General Counsel  
Ian J. Cumings, J.D., Deputy General Counsel  
William Shogren, J.D., Deputy General Counsel  
Kory Linn, Chief of Licensing  
Harry B. Ward, J.D., Deputy Attorney General

Agenda Item 1

**CALL TO ORDER AND ANNOUNCEMENTS**

- Roll Call/Quorum

The meeting was called to order by President Aury Nagy, M.D., at 8:10 a.m.

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

Dr. Nagy introduced new Board member, Irwin B. Simon, M.D., FACS, and welcomed him to the Board. Dr. Simon provided a brief summary of his background and experience.

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**

- June 9, 2023 Board Meeting – Open Session

Ms. Beal moved that the Board approve the Minutes of the June 9, 2023 Board Meeting – Open Session. Dr. Spirtos seconded the motion and it passed unanimously.

Agenda Item 4

**CONSIDERATION AND APPROVAL OF 2022 ANNUAL FISCAL AUDIT BY CASEY NEILON**

Nicola Neilon, CPA, of Casey Neilon, said she wanted to thank Ms. Jenkins and her team for their responsiveness, the completeness of the information they provided and the general state of the accounting records.

Ms. Neilon said first she wanted to draw the Board's attention to the Independent Auditor's Report. She stated the highlight of the report was that it was an unmodified opinion, which is the highest level of assurance that auditors can provide on a set of financial statements. She explained there was one item on that report that was different from the previous year, which is the "Change in Accounting Principle" paragraph. This year, there was a new accounting standard implemented, GASB 87, which requires the Board to capitalize lease assets and lease liabilities. The Board will see a new item on its financial statements with the assets and liabilities, and that is the present value of the future lease payments on the office space in Las Vegas.

Ms. Neilon then highlighted the information contained in the financial statements. She said the Statement of Net Position is essentially the equivalent of a governmental balance sheet, and shows the assets, deferred outflows, liabilities, deferred inflows and total net position. Total current assets were \$5.2 million; last year they were \$8.5 million. The largest change there was in cash and cash equivalents and short-term investments. She explained that short-term investments are certificates of deposit that have longer than a three-month maturity period. She said the reason for the decline in current assets is the two-year license renewal cycle. The Board receives most of its cash at the beginning of the license renewal cycle and utilizes it over a two-year period. She said total noncurrent assets were \$3.8 million, which was up from \$3.4 million from the prior year, and is almost entirely attributable to the capitalization of the lease and depreciation of the Board's other assets. She explained the deferred outflows of resources are related to the pensions and other post-employment benefits (OPEB), which increased \$335,000 from \$2.3 million to \$2.6 million. Current liabilities decreased from \$6.9 million to \$3.1 million, which again is attributable to the Board's license renewal cycle. The noncurrent liabilities increased from \$5.5 million to \$9.3 million. The largest change there was in the pension liability. Deferred inflows of resources again relate to pensions and OPEB, which decreased from almost \$3 million to \$400,000. The Board's net position decreased by \$176,000 from the prior year, for a negative net position of \$1,256,000. She explained the pensions and OPEB are items the Board has no control over. The Board receives audited reports from both the Public Employees Benefits System (PERS) and the Public Employees Benefits System in order to put those assets and liabilities, the deferred outflows and inflows, onto its financial statement. The impact of PERS and OPEB on the Board's statement of net position was \$6,665,917. These are essentially liabilities the Board pays for as it makes its payments to PERS and OPEB on an ongoing basis. In the prior year, it was \$6,053,675.

Ms. Neilon stated that operating revenues were almost \$6 million, compared to \$5.8 million in the prior year, with the largest increase there in licensing and registration fees. Operating expenses were \$6.1 million, which was an increase of \$1 million over the prior year. The impact of PERS and OPEB on the Board's current-year financial statements was \$612,000. The operating income for the year was a negative \$188,000, but of that amount, \$612,000 was attributable to those two items the Board has no control over. Investment income was \$21,000, which reflects the increase in interest rates and the certificates of deposit the Board purchased for the year. Net position at the beginning of the year was a negative \$1,079,000 and at the end of the year was a negative \$1,255,000. She stated the PERS and OPEB amounts are increasing quite significantly across the board and are not something that are just impacting this Board.

Ms. Beal asked what these continuing increases will mean to the Board's financial condition in the long term.

Ms. Neilon explained that the State sets the rates that are paid, and the rates are set to address the payments that are needed to be made into the plan. The rates are set each biennium. The Board pays each month as it makes its contributions into PERS.

Discussion ensued regarding the PERS and OPEB contributions.

Ms. Neilon explained the auditors are required to report to the Board each year whether there were any significant audit matters, any difficulties encountered in performing the audit, any corrected and uncorrected misstatements, disagreements with management, management representations, management consultations and other audit findings or issues. She said there were a couple of items they wanted to draw the Board's attention to. The first relates to management's estimates of the liabilities for pensions and other post-employment benefits. These are estimates. They are based on audited numbers from PERS and PEBS and are subject to change because they are estimates. She said it was important for them to draw that to the Board's attention. The other was the implementation of the new standard for leases, which means financial statements are not comparable from one year to the next. Regarding granted and ungranted misstatements, while they say they are misstatements, they were adjustments to the PERS and OPEB amounts that are based on the information that was received by the Board after the auditors received the information for the audit. She said it is purely a timing issue and has nothing to do with any failure in the accounting policies of the Board. She said there were no disagreements with management.

Ms. Arias-Petrel said she had been working very diligently with Ms. Jenkins, they had gone through every detail of the audit, and she was confident the audit and the numbers were accurate.

Dr. Spirtos moved that the Board approve the audit. Dr. Frey seconded the motion and it passed unanimously.

Agenda Item 5

**CONSIDERATION OF REQUEST OF KIARASH MIRKIA, M.D., FOR REMOVAL OF CONDITION ON HIS MEDICAL LICENSE**

Dr. Mirkia explained that he reactivated his license almost a year ago and since then the condition on his license has hindered him from securing better employment or getting credentialed at hospitals to perform general surgery, which has caused him financial hardship.

Dr. Williams asked Dr. Mirkia where he was working at that time. Dr. Mirkia said he was seeing patients who needed injectables or procedures such as Smart Lipo and scar revisions.

Dr. Williams asked Dr. Mirkia whether he has had a chaperone in the room when performing these procedures.

Dr. Mirkia said he always has a chaperone in the room, and has had a chaperone in the room for the past 20 years.

Mr. Cousineau said the issue was whether the Board wanted to remove the chaperone requirement, which would give Dr. Mirkia an unrestricted license. He said the Board could also remove the condition but request that Dr. Mirkia maintain the chaperone protocol voluntarily.

Dr. Spirtos asked Dr. Mirkia whether he would be willing to assure the Board that he would voluntarily continue to have a chaperone in the room.

Dr. Mirkia said he would always have a chaperone in the room that was the same gender as the patient and would document that.

Dr. Frey asked Dr. Mirkia whether his attestation regarding use of a chaperone would be in perpetuity for the duration of his licensure in Nevada, and Dr. Mirkia said it would.

Dr. Frey moved that the Board remove the condition on Dr. Mirkia's medical license pending completion of an attestation that assures the Board he will have a chaperone in his practice going forward.

Mr. Ward asked Dr. Frey whether the attestation would be in writing.

Dr. Frey restated his motion that the Board remove the condition on Dr. Mirkia's medical license in exchange for a written attestation provided to the Board by Dr. Mirkia assuring the Board there will be a chaperone present during all patient encounters. Dr. Williams seconded the motion and it passed unanimously.

Agenda Item 6

**CONSIDERATION OF REQUEST OF SHOUPING LI, M.D., FOR REMOVAL OF CONDITIONS ON HIS MEDICAL LICENSE**

Di Li explained that he has been in a preceptorship for the last 12 months and his two preceptors say he is competent to practice medicine. He said he had recovered his certification by the American Board of Family Medicine and was also newly board certified by the American Association of Medical Review Officers. He said he cannot get credentialed because of the conditions on his license.

Dr. Spirtos moved that the Board remove the conditions on Dr. Li's medical license. Mr. Wade seconded the motion and it passed unanimously.

Agenda Item 7

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GEORGE PETER CHAMBERS, M.D., BME CASE NO. 22-27891-1**

Dr. Chambers was present with his legal counsel, Liborius Agwara, Esq.

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

Dr. Spirtos recused himself from consideration of the matter as his practice group, Women's Cancer Center, and Dr. Chambers have a pecuniary interest in common.

Mr. Ward said he wanted to confirm that all adjudicating Board members had received and reviewed all the materials regarding the matter, and all adjudicating Board members stated they had.

Mr. Ward provided procedural instruction regarding the adjudication process.

Dr. Nagy delineated the counts alleged in the Complaint filed against Dr. Chambers in the matter and stated it was the conclusion of the Hearing Officer that the evidence was not sufficient to sustain Counts I through IV but the standard was met for counts V through VIII.

Mr. Agwara asked at what point in the proceedings Dr. Chambers would have the opportunity to say something about the charges or the findings.

Mr. Cousineau explained that if there was a finding by the Board of wrongdoing on the part of Dr. Chambers, pursuant to statute, in the disciplinary phase, counsel for the Investigative Committee and Dr. Chambers, or counsel for Dr. Chambers, will be able to make comments as to their recommendations for discipline or sanctions to be imposed, or lack thereof.

Mr. Ward explained this was an adjudication. He stated the adjudicating body would make a determination whether the allegations were true or not and make a motion to accept or reject the findings. If they find the allegations are true, they will proceed with the adjudication as far as resulting penalties, etc. At that time, Dr. Chambers will be given an opportunity to speak under the statute.

Dr. Agwara asked whether Dr. Chambers would have the opportunity to address the Board regarding the charges and findings before the Board voted.

Mr. Ward said there was a hearing before a hearing officer, and arguments were made at that time. The matter would not be relitigated and neither Dr. Chambers nor his counsel would have an opportunity at that juncture to address the facts or findings.

Dr. Frey moved that the Board accept the findings of the Hearing Officer that the burden of proof was not met on Counts I through IV, but was met on Counts V through VIII, and accept the recommendations regarding Counts V through VIII. Ms. Arias-Petrel seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Ms. Mooneyhan stated she had been assisted in the case by co-counsel, Mr. White. She then provided the Investigative Committee's recommendations regarding discipline in the matter. Dr. Chambers' license to practice medicine in Nevada shall be revoked for two years, with the revocation stayed pending Dr. Chambers' adherence with the following: that he complete and unconditionally pass the PROBE Boundaries and Ethics course by March 15, 2024; that he satisfactorily complete the Professional Boundaries program through PACE at the University of San Diego by March 15, 2024; that he pay the costs and expenses incurred in the prosecution of the matter in the amount of \$54,217.37, pursuant to the Memorandum of Costs and Disbursements and Attorneys' Fees, by March 15, 2024, which Memorandum of Costs and Disbursements and Attorneys' Fees had been distributed to the adjudicating Board members and to Dr. Chambers. Further, that Dr. Chambers pay fines of \$1,500 for each count proven, for a total of \$6,000, by March 15, 2024. Further, that Dr. Chambers' license shall be on probation for two years from entry of the Board's order. Dr. Chambers previously signed a stipulation that his license is currently subject to conditions and the Investigative Committee requests that those conditions remain on his license until further order of the Board. She said it is contemplated that these conditions will continue from the date of entry of the Board's order for at least two years and after two years, Dr. Chambers may petition the Board to appear at a public meeting and request that the Board remove the conditions on his license. Dr. Chambers will immediately cease advertising or holding himself out, on his website, social media platforms, letterhead, or other communications to current or potential patients that he is certified in any area unless it is in strict compliance with the provisions of NRS 629.076(1). Dr. Chambers will receive a public reprimand. Ms. Mooneyhan then outlined the items contained in the Memorandum of Costs and Disbursements and Attorneys' Fees, and provided justification for reasonableness of the attorneys' fees included therein.

Mr. Agwara said Dr. Chambers has practiced medicine in Las Vegas for the last 20 years and this would be the first time the Board would be disciplining him. Dr. Chambers has conducted over 100,000 exams of women in the last 20 years as a gynecologist and has delivered more than 12,500 babies in Nevada. In those 20 years, he was voted the top doctor in Las Vegas 10 years in a row by his

fellow physicians. Mr. Agwara said with regard to the stayed revocation, he has never seen this type of reverse recommendation for someone who has never been in trouble. In addition, there were eight total charges. The Investigative Committee prevailed on four and Dr. Chambers prevailed on the other four, so the costs should be cut in half. He said he was asking the Board to look at the punishment that is being proposed and make sure that it fits the crime and that it will stop the behavior the Board seeks to stop. He said he doesn't think Dr. Chambers needed to be revoked or suspended.

Ms. Mooneyhan restated the Investigative Committee's recommendations regarding discipline in the matter, which she said did not include a suspension.

Dr. Frey moved that the Board adopt the Investigative Committee's recommendations for disciplinary action. Ms. Arias-Petrel seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 8

**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. GEORGE PETER CHAMBERS, M.D., BME CASE NO. 22-27891-1, 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. Simon moved that the Board authorize Board counsel to defend the Board's findings, conclusions, orders and actions in this matter. Dr. Ahsan seconded the motion and it passed unanimously.

Agenda Item 9

**ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RICHARD ALLAN BARGEN, M.D., BME CASE NO. 20-5783-1**

Dr. Bargaen was not present.

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

Dr. Nagy delineated the counts alleged in the Complaint filed against Dr. Bargaen in the matter and stated it was the recommendation of the Hearing Officer that all three counts were proven by the Investigative Committee.

Mr. Ward said he wanted to confirm that all adjudicating Board members had received and reviewed all the materials regarding the matter, and all adjudicating Board members stated they had.

Dr. Frey summarized the facts of the case and the treatment rendered to the patient by Dr. Bargaen.

Dr. Williams moved that the Board accept the findings and recommendations of the Hearing Officer. Dr. Frey seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Ms. Contine provided the Investigative Committee's recommendations regarding discipline in the matter. Pursuant to NRS 622A.410 and NRS 630.352, Dr. Bargaen's license to practice medicine in the State of Nevada shall be revoked and he may not apply for a new license in Nevada for a minimum period of three years; he shall pay the costs and expenses of \$4,249.34, pursuant to the Memorandum of Costs and Disbursements and Attorneys' Fees, and this amount must be paid in full prior to the Board considering a new application for licensure from him; and he shall receive a public reprimand. Ms. Contine stated the recommendation reflects that Dr. Bargaen failed to participate in the investigation and the formal proceedings.

Mr. Ward said the record should reflect that Dr. Bargaen was not present and was not represented at this proceeding.

Ms. Contine outlined the justification for reasonableness of the attorneys' fees included in the Memorandum of Costs and Disbursements and Attorneys' Fees, which had been distributed to the adjudicating Board members.

Mr. Wade moved that the Board accept the Investigative Committee's recommendations for disciplinary action, including the costs and fees as presented. Dr. Simon seconded the motion and it passed unanimously, with all adjudicating Board members voting in favor of the motion.

Agenda Item 10

**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. RICHARD ALLAN BARGEN, M.D.*, BME CASE NO. 20-5783-1, 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. Simon moved that the Board authorize Board counsel to defend the Board's findings, conclusions, orders and actions in this matter. Dr. Frey seconded the motion and it passed unanimously.

Agenda Item 11

**ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MARYANNE DEFOREST PHILLIPS, M.D.*, BME CASE NO. 21-10032-1**

Dr. Phillips was present with her legal counsel, Leo Flangas, Esq.

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

Dr. Nagy recused himself from consideration of the matter as he and Dr. Phillips had a prior working relationship years ago.



Dr. Spirtos said he wanted to confirm that all adjudicating Board members had reviewed all the materials regarding the matter.

Mr. Cousineau asked that any adjudicating Board member who had not reviewed the materials so state on the record, and none indicated they had not reviewed them.

Dr. Frey stated it was clear from the testimony that deep sedation, especially with propofol, was performed on individuals, with two sets of records -- one being the medical records and the other being the sedation records. He said it was very difficult for the investigators to wade through the records and determine what was really happening at this facility, which facility was not licensed by the State of Nevada to be doing these things. There was also seemingly a systematic falsification of records to cover certain things up. In addition, there was also what appeared to be aiding the unlicensed practice of medicine, in that lay people were left to do things that qualified medical personnel should have been doing. He said there seemed to be a huge number of cases in which these same things were occurring; however, the main case that brought this out appeared to be a woman who had liposuction and subsequently collapsed under sedation, and rather than call 911, which would have been the proper thing to do, flumazenil was administered and the patient was rescued in the moment. She was then discharged and the same thing happened to her again and she was taken to the hospital. Dr. Frey said he was aghast at times at just how loose the practice of medicine was at this facility.

Dr. Simon said this is why the Board is here; to make certain that this type of medicine does not go on in the State of Nevada.

Dr. Williams said Dr. Phillips' controlled substance license had been revoked and she continued to administer controlled substances when performing liposuction on patients, which he thinks is a major consideration.

Dr. Frey added that a week-long liposuction seminar, conference, etc., seems to be sorely inadequate to gain the necessary skills to perform these types of procedures in an outpatient facility.

Dr. Spirtos outlined the counts of the Complaint against Dr. Phillips and the Hearing Officer's recommendations with regard to each count, as follows.

Counts 1 through 72: These counts allege violations of NRS 630.375. The Hearing Officer's recommendation was that it could be said for each of the medical records in evidence which show that Dr. Phillips administered anesthesia or sedative medications at Vida Spa that she violated NRS 630.373.

Counts 73 through 133: These counts allege that Dr. Phillips failed to maintain proper medical records, in violation of NRS 630.3062(1)(a). The Hearing Officer's recommendation was that Dr. Phillips be found to have violated at least one of the counts numbered 73-133.

Counts 134 through 194: These counts allege violations of the standards of practice, with NRS 630.306(1)(b)(2) as the basis for the allegations. The Hearing Officer's recommendation was there was a basis to find that Dr. Phillips violated NRS 630.306(1)(b)(2).

Counts 195 through 255: These counts allege engaging in unsafe or unprofessional conduct. The Hearing Officer agreed that falsification of records by Dr. Phillips was unsafe and unprofessional conduct.

Count 256 alleges aiding the unlicensed practice of medicine. The Hearing Officer found that the allegation was proven.

Count 257 alleges engaging in conduct that brings the medical profession into disrepute. The Hearing Officer recommended that the Board find Dr. Phillips in violation of this count.

Count 258 was dismissed with prejudice, pursuant to the Investigative Committee's counsel's motion to dismiss, which was not opposed.

Count 259 alleges malpractice, and the Hearing Officer recommended that the Board find against Dr. Phillips on this count.

Count 260 also alleges malpractice. The Hearing Officer found this count was duplicitous of Count 259 and did not recommend that the Board make an affirmative finding against Dr. Phillips on that count.

Dr. Frey moved that the Board adopt the Hearing Officer's Findings and Recommendations in total. Dr. Simon seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. White provided the Investigative Committee's recommendations regarding discipline in the matter. Pursuant to NRS 622A.410 and NRS 630.352, Dr. Phillips' license to practice medicine in the State of Nevada shall be revoked and she may not apply for a new license in Nevada for a minimum period of six years; she shall pay the costs and expenses of \$32,021.65, pursuant to the Memorandum of Costs and Disbursements and Attorneys' Fees, with this amount immediately due and paid in full upon application for a new license; she shall pay a fine of \$50,000, with said amount immediately due and paid in full upon application for a new license; and she shall receive a public reprimand.

Mr. Flangas said most of what was said during the Board's discussion of some of the facts of the case was incorrect. He said it was stated that when the patient felt faint and was collapsing, that is when Dr. Phillips gave flumazenil and she failed to call 911, which was the proper step she should have taken. He said that is an inaccurate chronology of what occurred. He said what occurred was that flumazenil was given after the procedure was done. There was approximately an hour during which the patient was in the bed, she dressed, there were conversations going on, and she was delineated as being oriented and alert by the nurse. It was when Dr. Phillips was escorting her out to the car in a wheelchair that the patient first showed signs and felt lightheaded. Dr. Phillips laid her down on the ground and did exactly what the Board members stated she should do, which is call 911.

Mr. Flangas stated the other incorrect fact was the issue regarding controlled substances being either prescribed or authorized. There is zero evidence that Dr. Phillips prescribed, authorized or did anything with any controlled substance; propofol is not a controlled substance and this Board approved her to administer propofol. The issue is it was at an unlicensed place and that is the reason why it became an issue and is a violation.

Mr. Flangas then presented several points of fact he said the Board should take into consideration when determining the disciplinary action to be imposed upon Dr. Phillips. He said Dr. Phillip had been suspended for two-plus years and was requesting that the Board lift the suspension, reinstate her license and impose a condition that she can't work at any medical spa unless she provides proof of their credentials. He said there could be other conditions in place as well.

Mr. White outlined the justification for reasonableness of the attorneys' fees included in the Memorandum of Costs and Disbursements and Attorneys' Fees, which had been distributed to the adjudicating Board members and to Dr. Phillips, and restated the Investigative Committee's recommendations regarding discipline in the matter.

Dr. Simon moved that the Board adopt the Investigative Committee's recommendations for disciplinary action, to include revocation of the license, that she may not apply for a new license for six years, and that she pay the costs and fine to be paid at the time she reapplies for a license. Dr. Frey seconded the motion.

Dr. Simon amended his motion to include that Dr. Phillips receive a public reprimand. Dr. Frey seconded the amended motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 12

**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. MARYANNE DEFOREST PHILLIPS, M.D., BME CASE NO. 21-10032-1, 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. Frey moved that the Board authorize Board counsel to defend the Board's findings, conclusions, orders and actions in this matter. Dr. Ahsan seconded the motion and it passed unanimously.

Agenda Item 13

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

- (a) Review of Public Comments on, and Possible Adoption of, Proposed Amendment to NAC Chapter 630 as Contained in LCB File No. R189-22
- (b) Review of Public Comments on, and Possible Adoption of, Proposed Amendment to NAC Chapter 630 as Contained in LCB File No. R002-23
- (c) Request for Authorization to Proceed With the Regulatory Adoption Process on Proposed Amendments to NAC 630.147, NAC 630.180, NAC 630.280, NAC 630.290, NAC 630.350, NAC 630.370, NAC 630.490, NAC 630.495, NAC 630.505 and Conforming Changes to LCB File No. R009-19, NAC 630.530, NAC 630.700, NAC 630.730 and Conforming Changes to LCB File No. R010-19
- (d) Request for Authorization to Proceed With the Regulatory Adoption Process to Repeal NAC 630.410 and NAC 630.555

- (e) Request for Authorization to Proceed With the Regulatory Adoption Process to Create Regulations Prohibiting Practitioners of Respiratory Care and Perfusionists From Falsifying Patient Medical Records, Authorizing the Board to Pay Witness and Mileage Fees to Witnesses in Disciplinary Hearings Pursuant to NRS 233B.121(4), Prescribing Certain Requirements Regarding Physicians and Physician Assistants Obtaining Informed Consent, Adding a Definition of Collaborating Physician, Requiring that Collaborating Physicians Ensure That Advance Practice Registered Nurses Collaborating With Them Prescribe the Same Schedules of Medications as the Physician, Stating That Fees Paid Pursuant to NRS 630.268 for Issuance or Renewal of a Limited License Pursuant to NRS 630.265 Are Not Refundable, Adding a Provision Regarding Rejecting a Physician or Perfusionist Application if the Applicant Is Not Qualified or Not of Good Moral Character or Reputation or Any Credentials Submitted Are False
- (f) Request for Authorization to Proceed With the Regulatory Adoption Process on Proposed Amendments to LCB File No. R118-21, NAC 630.040, NAC 630.045, NAC 630.210, NAC 630.230, NAC 630.240, NAC 630.243, NAC 630.465, NAC 630.800, NAC 630.810, NAC 630.820, and NAC 630.830 to Include Anesthesiologist Assistants
- (g) Request for Authorization to Proceed With the Regulatory Adoption Process on Proposed Additions to NAC Chapter 630 Regarding the Licensing of Anesthesiologist Assistants, Investigation of Complaints Regarding Anesthesiologist Assistants, Discipline of Anesthesiologist Assistants, Scope of Practice and/or Conduct of Anesthesiologist Assistants, the Issuance of Temporary and Locum Tenens Licenses to Anesthesiologist Assistants, Renewal of Anesthesiologist Assistant Licenses, Continuing Education for Anesthesiologist Assistants, and Creation of an Advisory Committee Regarding Anesthesiologist Assistants

Ms. Bradley explained that the proposed regulations in Agenda Items 13(a) and 13(b) were before the Board for adoption. A workshop and a hearing were held on both proposed regulations and the only comments received were from the Clark County Medical Society and the Reno-Sparks Chamber of Commerce, and both indicated they had no concerns with regard to the proposed regulations.

Ms. Beal moved that the Board adopt proposed regulations R189-22 and R002-23 Dr. Spirto seconded the motion and it passed unanimously.

Ms. Bradley explained that Agenda Item 13(c) amends various existing regulations, Agenda Item 13(d) repeals two existing regulations and 13(e) creates provisions staff believes are necessary. She said she was requesting authorization to proceed with the regulatory adoption process on these items.

Dr. Frey moved that the Board authorize staff to proceed with the regulatory adoption process on Agenda Items 13(c), 13(d) and 13(e). Ms. Beal seconded the motion and it passed unanimously.

Ms. Bradley explained that Agenda Items 13(f) and 13(g) contained proposed regulatory changes related to licensure of anesthesiologist assistants, which was approved by the Legislature in the last legislative session pursuant to AB 270. The effective date for the Board to begin licensing these is January 1, so staff has been working on regulations to make sure the Board is doing all the things it needs to do in preparation for that. Ms. Bradley said that Agenda Item 13(f) contains amendments to existing regulations to add anesthesiologist assistants and Agenda Item 13(g) creates new provisions that she has borrowed from other states as well as existing regulations the Board has regarding physician assistants that she had modified. She stated the Board had received a letter from the Nevada Anesthesiologist Assistants Association in support of these proposed regulations.

Jerry Matsumura, M.D., Past-President of the Nevada State Society of Anesthesiologists, has provided some suggested edits, but was mostly in support of the proposed regulations.

Dr. Matsumura stated he was representing the Nevada State Society of Anesthesiologists, and the Society supports the draft regulations. He said almost all of the edits he worked on with Ms. Bradley were wordsmithing. There is one provision, number 23, which Ms. Bradley took from Wisconsin's regulations, that talks about student anesthesiologist assistants. It is really the only state that has any significant mention of those. He said his main concern is that regulation states they cannot supervise more than two students in training at a time. The Society feels that this is potentially limiting. He said there are 20 other states that have regulations regarding anesthesiologist assistants and no other state has that limitation regarding the supervision ratio. He said something of less import, but is a point of note, is the provision that speaks to an "anesthesiology resident who has completed the first year of residency." He said he would change that to "who has completed six months of clinical anesthesiology training," and explained why. He said he had notified both departments of anesthesiologist assistant programs in Wisconsin that they need to clean up their language in the next legislative session because other states may follow the same path. He said other than that, these are excellent regulations, the language is good, and with a few minor edits, the Society fully supports them.

Discussion ensued regarding identification of anesthesiologist assistants to patients.

Ms. Bradley said identification to patients is included in the proposed regulations, and the proposed regulations also state that no anesthesiologist assistant can pretend to be a doctor and must correct someone who is confused as to whether the anesthesiologist assistant is the doctor. Additionally, any place that uses anesthesiologist assistants is required to have a sign that notices patients that they use them, and describes their role and what services they can provide.

Discussion ensued regarding supervision of anesthesiologist assistants and anesthesiologist assistant students, and the number of those that can be supervised at one time that should be included in the regulation.

Ms. Bradley stated the number of those who can be supervised at one time that was contained in the current language of the proposed regulation comes from Medicare and Medicaid Guidelines, and is currently four.

Dr. Frey moved that the Board authorize staff to proceed with the regulatory adoption process on Agenda Items 13(f) and 13(g), to amend and modify language with Dr. Matsumura and other stakeholders' input to suit the needs of our state. Dr. Ahsan seconded the motion.

Dr. Nagy requested that once the Legislative Counsel Bureau finalizes the language of the proposed regulation, the draft be provided to the Board members for review.

Dr. Spirtos thanked Dr. Matsumura for his efforts.

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

Agenda Item 14

**CONSIDERATION OF REQUEST OF SIMMON L. WILCOX, M.D., FOR BOARD AUTHORIZATION TO TAKE THE SPECIAL PURPOSE EXAMINATION (SPEX)**

Dr. Wilcox was present with his legal counsel, John Hunt, Esq.

Mr. Hunt explained that there was a stipulation in place that when Dr. Wilcox was released from incarceration, that he comply with a number of things. Dr. Wilcox has complied with everything contained in the stipulation and was before the Board that day with a request that the Board sponsor him to take the SPEX, as Dr. Wilcox has been out of practice for so long.

Dr. Frey asked Dr. Wilcox whether he had petitioned any other Board for sponsorship for the SPEX, and Dr. Wilcox said he had not.

Dr. Williams asked Dr. Wilcox where he planned to practice.

Dr. Wilcox said he wanted to become a medical director at a drug and alcohol facility, Citadel City, in Pahrump.

Dr. Spirtos moved that the Board sponsor Dr. Wilcox to sit for the SPEX. Dr. Williams seconded the motion and it passed unanimously.

Agenda Item 15

## **REPORTS**

### **(a) Investigative Committees**

Dr. Frey reported that at its August 18, 2023 meeting, Investigative Committee A considered 97 cases. Of those, the Committee authorized the filing of a formal complaint in 5 cases, sent 9 cases out for peer review, requested an appearance in 5 cases, issued 16 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up, reviewed 1 case for compliance, and recommended closure of a total of 60 cases.

Dr. Frey said he appreciated everyone on Investigative Committee A.

Dr. Ahsan said he appreciated all those on Investigative Committee B and the staff. He reported that at its August 9, 2023 meeting, Investigative Committee B considered 65 cases. Of those, the Committee authorized the filing of a formal complaint in 5 cases, sent 4 cases out for peer review, requested an appearance in 1 case, issued 11 letters of concern, referred 6 cases back to investigative staff for further investigation or follow-up, reviewed 1 case for compliance, and recommended closure of a total of 37 cases.

Dr. Nagy reported that at its August 10, 2023 meeting, Investigative Committee C considered 45 cases. Of those, the Committee authorized the filing of a formal complaint in 5 cases, sent 1 case out for peer review, no appearances were requested, issued 6 letters of concern, referred 7 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 26 cases.

### **(b) Nevada State Medical Association**

Sarah Watkins, Executive Director of the Nevada State Medical Association (NSMA), said it had been a busy time for NSMA. NSMA was in the middle of its dues renewals for 2024 and just held its 119th annual meeting and scientific session last month. At the annual meeting, delegates have the important responsibility of developing policy which will direct the organization's operations and form the basis of its advocacy for now and years to come. The meeting included a legislative panel dinner

that included Nevada Senators Doñate and Dr. Robin Titus. NSMA installed its new President, Dr. Sowjanya Reganti, who is an oncologist in Washoe County. The Board approved a restructuring of its staff model, which includes Ms. Watkins as Executive Director and a new position of Policy Director, which will primarily focus on legislative matters; however, Ms. Watkins will still be very much involved in that.

**(c) Nevada Academy of Physician Assistants**

Domonique Katona, President of the Nevada State Academy of Physician Assistants (NAPA), said it was her goal to have open communication, transparency and an ongoing collaborative relationship with their physician leaders. She said that based on passage of AB364 and the changes that have come with that, NAPA is open to a discussion with the Board regarding the past legislative session. She stated that NAPA believes Brian Lauf, PA-C is an exceptional candidate for the physician assistant seat on the Board of Medical Examiners. She then provided information regarding Mr. Lauf's background and experience. She said that pursuant to AB364, she has also been in communication with Jason Farnsworth, RRT, who is the President of the Respiratory Care Society in Nevada and who has applied for the respiratory therapist seat on the Board. She said NAPA is open to ongoing conversations and discussions on the next steps in this process.

Agenda Item 16

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANTHONY HOFILENA IBAY, M.D., BME CASE NO. 23-11648-1**

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

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

Dr. Williams moved that the Board approve the proposed Settlement Agreement. Mr. Wade 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. RICHARD SY TEH, M.D., BME CASE NO. 23-11664-1**

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

Ms. Mooneyhan stated a formal Complaint had been filed against Dr. Teh alleging one violation of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Ms. Arias-Petrel moved that the Board accept the proposed Settlement Agreement. Ms. Beal 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. CYNTHIA ESGUERRA TEH, M.D., BME CASE NO. 23-11670-1**

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

Ms. Mooneyhan stated a formal Complaint had been filed against Dr. Teh alleging one violation of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Dr. Simon moved that the Board approve the proposed Settlement Agreement. Dr. Spirto seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 19

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HOLMAN CHAN, M.D., BME CASE NO. 23-39993-1**

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

Ms. Contine stated a formal Complaint had been filed against Dr. Chan alleging one violation of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

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

Agenda Item 20

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LORA LEIGH WATSON, RRT, BME CASE NO. 23-24104-1**

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

Ms. Contine stated a formal Complaint had been filed against Ms. Watson alleging two violations of the Nevada Medical Practice Act and outlined the alleged violations and the terms of the proposed Settlement Agreement.

Dr. Frey said in the Settlement Agreement, under Background, it says Respondent is a medical doctor, and asked that it be changed to reflect that Ms. Watson is a practitioner of respiratory care. Ms. Contine said she would correct that.

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



Agenda Item 21

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HAZEM YOUSSEF AFIFI, M.D., BME CASE NO. 22-19887-1**

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

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

Dr. Nagy asked whether the Board could require that Dr. Afifi take some CME in appropriate anticoagulant reversal agents.

Mr. Cousineau stated that the Board could not modify the terms of the proposed Settlement Agreement unilaterally, and could only accept or reject the terms of the Settlement Agreement as proposed.

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

Agenda Item 22

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. WARREN S. BASILAN, RRT, BME CASE NO. 23-39155-1**

Mr. Basilan was present with his legal counsel, Jeffrey J. Whitehead, Esq.

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

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

Ms. Beal moved that the Board approve the proposed Settlement Agreement. Dr. Spirtos seconded the motion.

The agenda item was tabled to allow one of the adjudicating Board members to review the materials in order to participate in consideration of the matter.

After returning to this agenda item, a vote was taken on the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 23

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MICHAEL SCOTT MALL, M.D., BME CASE NOS. 22-8666-1, 22-8666-2 and 22-8666-3**

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

Mr. White stated three formal Complaint had been filed against Dr. Mall. The Complaint in Case No. 22-8666-1 alleged 30 violations of the Nevada Medical Practice Act, the Complaint in Case No. 22-866-2 alleged 2 violations of the Nevada Medical Practice Act, and the Complaint in Case No. 22-8666-3 alleged 2 violations of the Nevada Medical Practice Act. He then outlined the terms of the proposed Settlement Agreement.

Dr. Spirtos moved that the Board approve 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 24

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHRISTINA LYNNE KUSHNIR, M.D., BME CASE NO. 23-32717-1**

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

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

Dr. Spirtos recused himself from consideration of the matter as Dr. Kushnir is his partner in his medical practice.

Mr. Cousineau named the remaining adjudicating Board members.

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

Agenda Item 25

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. WA'EL HISHAM MILYANI, M.D., BME CASE NO. 23-47427-1**

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

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

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

Agenda Item 26

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JONATHAN RICHARD SORELLE, M.D., BME CASE NO. 23-33332-1**

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

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

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

Dr. Simon left the meeting at 12:18 p.m.

Agenda Item 27

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHARLES BRIAN KIM, M.D., BME CASE NO. 23-40843-1**

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

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

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

Agenda Item 28

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHARLES BRIAN KIM, M.D., BME CASE NO. 23-40843-2**

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

Mr. Shogren stated a formal Complaint had been filed against Dr. Kim alleging three violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

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

Agenda Item 29

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RAVI GP KRISHNAN, M.D., BME CASE NO. 23-12019-1**

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

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

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

Agenda Item 30

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. IRFAN M. MIRZA, M.D., BME CASE NO. 23-12909-1**

Bridget Kelly, Esq., was present as Dr. Mirza's legal counsel.

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

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

Ms. Beal moved that the Board approve 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 31

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JILL ALLISON OLIVER, M.D., BME CASE NO. 23-30779-1**

Bridget Kelly, Esq., was present as Dr. Oliver's legal counsel.

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

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

Dr. Nagy moved that the Board approve the proposed Settlement Agreement. Dr. Spirtos seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 32

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ALAN DAVID STELJES, M.D., BME CASE NO. 23-8417-1**

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

Dr. Ahsan recused himself from consideration of the matter because Dr. Steljes was formerly a partner of his.

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

Dr. Simon moved that the Board approve the proposed Settlement Agreement. Dr. Spirtos seconded the motion and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 33

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOSHUA PETER SMITH, PA-C, BME CASE NO. 23-40388-1**

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

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

Dr. Frey asked why the Settlement Agreement only required partial reimbursement of the Board's fees and costs.

Mr. Shogren explained that there were several respondents involved in the same fact pattern and they settled prior to Mr. Smith, so to be fair, the language of this Settlement Agreement reflects that of the similarly situated respondents.

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

Agenda Item 34

**EXECUTIVE STAFF/STAFF REPORTS**

**(a) Investigations Division Report**

Mr. Diaz reported that from June 8, 2023, and September 13, 2023, the Investigations Division received a total of 371 complaints. Of those, 146 cases were opened as formal investigations, 108 were not within the Board's jurisdiction, 77 were referred to other agencies and regulatory bodies, 31 were resolved through proactive measures, and 8 were either duplicate complaints or are still pending review. The total case count for 10 investigators, which includes 3 supervisors, was 418, for an average of 41 cases per investigator, including the supervisors. There were a total of 59 peer reviews, 49 of which had been assigned and 10 of which were pending assignment to a peer reviewer. He said he wanted to commend Senior Investigator Monica Gustafson, who is the Board's peer review coordinator, who obtains the peer reviewers and makes sure the peer reviews are sent out timely for the investigative committees. Mr. Diaz said there were 26 licensees in compliance or diversion.

Dr. Nagy thanked Mr. Diaz and the Investigations staff for all of the work they do.

**(b) Quarterly Compliance Report**

Ms. Jenkins reported that for the first quarter of 2023, there were zero files in collections and zero collections were written off. She said the total costs outstanding were \$86,387, the total fines outstanding were \$87,965.00, and the total costs collected during the quarter were \$27,689.00.

Dr. Nagy thanked Ms. Jenkins for all the work that she does.

### **(c) Quarterly Update on Finances**

Ms. Jenkins stated the Balance Sheet reflects the assets and liabilities of the Board. She then highlighted the various sections of the Balance Sheet for the quarter ending June 30, 2023. The total current assets totaled \$12,700,000 and total assets were \$19,023,000. The total current liabilities totaled \$9,922,000, with total liabilities and net position of \$19,023,000. The total license renewal dollars can be found on the second page of the Balance Sheet under account numbers 211 to 218. The total is \$9,760,000. She said this represents a total of over 14,000 accounting entries that were processed just for the renewal income. The year-to-date addition to net income or net position of the Board was \$653,172.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the second quarter of 2023. The total income for the second quarter was above budget by 18%. In the expense section, the staff payroll was at 100%, with remaining taxes and benefits over by 3%. Total expenses were also over by 3%. The interest income for the quarter was \$22,000 above budget. The addition to net position was \$234,620 and the reserves of the Board were at 5 months.

Ms. Arias-Petrel said, as always, she wanted to thank Ms. Jenkins for all of her hard work, and said she appreciates the Board being within budget or under budget.

### **(d) Legal Division Report**

Ms. Contine reported that from June 6 through September 8, 2023, the current case total in the Legal Division was 229, the Division filed 36 complaints during the quarter, and there were 142 cases in which the Legal Division has yet to file formal complaints. On behalf of the investigative committees, they issued 5 orders and worked on 8 hearing-related matters, including conducting 1 hearing and preparing 5 prehearing conferences statements. They also resolved a total of 38 cases. The Division received 15 cases from the August investigative committee meetings and issued 32 letters of concern from the August investigative committee meetings.

Ms. Contine said she wanted to recognize the Legal Division team for doing a great job and said she really appreciates all of their hard work.

Dr. Nagy said he wanted to thank the Legal Division for the hard work they are doing, and for reducing the number of cases that were outstanding. He said he also wanted to congratulate them on the increase in the number of settlement agreements in which the settlement terms are for the malpractice counts contained in the complaints.

Agenda Item 35

#### **LICENSURE RATIFICATION**

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 9, 2023 Board Meeting

Dr. Frey moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 9, 2023 Board Meeting. Mr. Wade seconded the motion and it passed unanimously.

**APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE**

**(a) Parsa Mohebi, M.D.**

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

Dr. Williams recapped Dr. Mohebi's medical education, postgraduate training and practice history with Dr. Mohebi.

Dr. Mohebi described how he came to start practicing hair restoration.

Dr. Frey said one of the reasons the Board may grant a license by endorsement is if there is a need for a certain specialty in the state, and he cannot identify a significant need for hair restoration currently in the state.

Dr. Mohebi said there are not many transplant surgeons in Las Vegas that are providing the quality of service that they offer in his office in California.

Dr. Spirtos asked Dr. Mohebi whether he planned to move to Las Vegas and practice there full time.

Dr. Mohebi said the plan for now would be to perform transplant surgeries in Las Vegas and then return to California.

Dr. Ahsan asked in how many states Dr. Mohebi holds a license, and Dr. Mohebi said he currently only holds a license in California.

Dr. Ahsan asked Dr. Mohebi who would provide services to the patients who experience complications after he does the surgery.

Dr. Mohebi said in the over 15 years he has been practicing hair restoration, he hasn't had any complications that required referrals to any other sources. He said he could only recall two instances when a patient had to go to the hospital, which he then described.

Ms. Linn asked Dr. Mohebi if it was correct that his last major examination was his USMLE Step 3 examination 20 years ago, and he said that was correct.

Dr. Spirtos moved that the Board decline to grant Dr. Mohebi's application for licensure by endorsement. Dr. Williams seconded the motion and it passed unanimously.

**(b) Juan Miranda-Seijo, M.D.**

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

Dr. Spirtos asked Dr. Miranda-Seijo whether he had anything he wanted to add to the information he provided to the Board previously, and Dr. Miranda-Seijo said he did not.

Dr. Spirtos summarized Dr. Miranda-Seijo's medical education, postgraduate training and background. He stated that Dr. Miranda-Seijo became recertified by the American Board of Family Medicine in 2014, and he is looking to oversee case management and consultations in Nevada.

Ms. Arias-Petrel asked where Dr. Miranda-Seijo planned to practice.

Dr. Miranda-Seijo explained that he practices from Denver and oversees other medical directors all over the country for a division of Aetna. He said he was applying in Nevada because the company is now coming to Nevada.

Dr. Spirtos explained that Dr. Miranda-Seijo was applying for a license by endorsement because he has not completed 36 months of ACGME postgraduate training in the U.S. or Canada.

Dr. Ahsan asked whether Dr. Miranda-Seijo practiced any direct patient care, and Dr. Miranda-Seijo said he no longer did so.

Ms. Beal asked Dr. Miranda-Seijo to describe the work he would be doing for patients in Nevada, and Dr. Miranda-Seijo did so.

Dr. Frey moved that the Board grant Dr. Miranda-Seijo a license by endorsement. Dr. Ahsan seconded the motion and it passed unanimously.

**(c) Jacob Blything Hedden, M.D.**

Mark Chase, Ph.D., MBA, Clinical Director of the Professional Recovery Network, was present with Dr. Hedden.

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

The Board went into closed session pursuant to NRS 241.030.

Upon returning to open session, Dr. Frey moved that the Board grant Dr. Hedden's application for licensure. Dr. Spirtos seconded the motion and it passed unanimously.

**(d) Jaime Nicole Stewart, PA-C**

Maria Fernández, Medical Director at Community Health Alliance, was present with Ms. Stewart.

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

Dr. Nagy recapped Ms. Stewart's practice background. He stated that Ms. Stewart practiced until 2019, when she took time off to raise her three children. Now that she feels her children are old enough, she would like to practice in the State of Nevada for Community Health Alliance in Reno. She previously held licenses in Connecticut and Oregon, which she let lapse, and there were no negative actions on her licenses.



Dr. Nagy asked Ms. Stewart to describe the degree of supervision she would be receiving at Community Health Alliance, and she described it.

Maria Fernández, Medical Director at Community Health Alliance, further described the supervision provided at Community Health Alliance.

Ms. Arias-Petrel moved that the Board grant Ms. Stewart's application for licensure by endorsement. Ms. Beal seconded the motion and it passed unanimously.

**(e) Juan Luis Palacios, M.D.**

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

Dr. Ahsan questioned Dr. Palacios regarding his residency training at the University of Nevada, Reno School of Medicine.

Dr. Palacios explained the circumstances surrounding the issues with his residency training program.

Ms. Arias-Petrel asked Dr. Palacios what he planned to do if granted a license to practice medicine in Nevada.

Dr. Palacios said he had signed a contract with Renown to practice family practice at an outpatient clinic.

Ms. Linn asked Dr. Palacios about his failure to disclose the remediation during his PGY1 residency training at the University of Nevada, Reno School of Medicine.

Dr. Palacios said he was never provided with any formal signed documentation.

Ms. Arias-Petrel moved that the Board grant Dr. Palacios' application for licensure by endorsement. Dr. Ahsan seconded the motion and it passed unanimously.

**(f) Sergey Shushunov, M.D.**

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

Mr. Wade summarized Dr. Shushunov's medical education, postgraduate training and practice background. Mr. Wade asked Dr. Shushunov why he didn't complete his fellowship program in Minnesota.

Dr. Shushunov said he did not finish the program because he moved to New Jersey.

Mr. Wade stated Dr. Shushunov's last major examination was for his American Board of Pediatrics (ABP) recertification examination in January 2013. He is not currently certified by the ABP and does not currently hold any other certification by the American Board of Medical Specialties. Mr. Wade asked Dr. Shushunov to describe his practice history in the United States, and he did so.

Mr. Wade questioned Dr. Shushunov regarding his affirmative response to Question 7 on his application for licensure.

Dr. Shushunov described the circumstances surrounding his arrest in 2011.

Mr. Wade asked Dr. Shushunov what he had done since then to prevent a similar occurrence, and Dr. Shushunov said he had seen psychiatrists and psychotherapists.

Mr. Wade asked Dr. Shushunov where else he currently held licenses, and Dr. Shushunov said he held licenses in Illinois, Indiana, Kansas, Tennessee and the Virgin Islands. He says he does locum tenens.

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

Dr. Shushunov said he hoped to find a position as an internal medicine hospitalist at a smaller hospital.

Dr. Frey moved that the Board grant Dr. Shushunov a license by endorsement. Mr. Wade seconded the motion and it passed unanimously.

**(g) Lorenzo Rossaro, M.D.**

Dr. Nagy asked Dr. Rossaro 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. Rossaro was applying for licensure by endorsement. Dr. Rossaro's training was excellent and he was recertified in gastroenterology in January 2023. He is licensed in California, had one case of malpractice filed against him that was dismissed, and the Board has found no derogatory information with respect to his licenses. Dr. Rossaro wants to bring his hepatology skills to southern Nevada on a part-time basis. He asked Dr. Rossaro if he had a desire to grow a transplant program in southern Nevada.

Dr. Rossaro said he hoped that eventually Nevada will have its own transplant program. He said he currently had two patients from Nevada who need transplants, who will have to go to Loma Linda for their transplants.

Dr. Frey moved that the Board grant Dr. Rossaro a license by endorsement. Dr. Ahsan seconded the motion and it passed unanimously.

Agenda Item 37

**REQUEST FOR, AND CONSIDERATION OF, PUBLIC COMMENT REGARDING THE BOARD'S LANGUAGE ACCESS PLAN**

Ms. Bradley explained that the Board was directed to create a language access plan pursuant to new legislation and to give the public an opportunity to comment on it. Staff created the Board's Language Access Plan, which is on the Board's website, and the purpose of this agenda item was to give the public that opportunity to comment on it. However, since there were no members of the public present and no written comment on the Board's Language Access Plan had been received, there was no comment for the Board to consider.

Agenda Item 38

**DISCUSSION REGARDING PROPOSED FEES FOR LICENSURE OF ANESTHESIOLOGIST ASSISTANTS PURSUANT TO ASSEMBLY BILL 270 FROM THE 2023 NEVADA LEGISLATIVE SESSION**

Mr. Cousineau explained that Dr. Matsumura used the analogy earlier that day when we were discussing anesthesiologist assistants that they are very similar to physician assistants in training, etc., and based upon that, staff thought it would be appropriate to mirror the license application and registration fees of those for physician assistants. He said staff was requesting approval of the proposed fees by the Board so they will be in place when the Board begins receiving applications from anesthesiologist assistants.

Dr. Frey moved that the Board approve the proposed licensure fees. Mr. Wade seconded the motion and it passed unanimously.

Agenda Item 39

**REVIEW AND DISCUSSION REGARDING CORRESPONDENCE RECEIVED FROM ASSEMBLYMAN PHILIP "PK" O'NEILL DATED AUGUST 14, 2023, AND THE BOARD'S ASSOCIATED RESPONSE**

Mr. Cousineau explained that he had received a letter dated August 14, 2023, from Assembly Minority Leader PK O'Neill. Essentially, Assemblyman O'Neill was asking the Board to take a look at its licensure process and see if there are ways to expedite it, make it more efficient and perhaps make it less burdensome for applicants. Mr. Cousineau said the letter was timely because the Board discussed this topic at the Board meeting in June when the Federation of State Medical Boards presented their recommendations. Mr. Cousineau said with Ms. Contine's and Ms. Linn's assistance, a response was drafted and sent to Assemblyman O'Neill, wherein we talked about the fact that the Board had recently finished its renewal cycle and had renewed over 14,000 licensees, 11,000 of those being for physicians. Additionally, at the moment in time when we prepared the correspondence, the Board had issued 200 more licenses compared to the same period last year, which was a 20% increase over the previous year.

Mr. Cousineau explained that this ties into what we have discussed previously, which is that the number of applications continues to rise at a very significant rate, not just in Nevada, but consistently throughout the country. He said we also indicated in the response the internal modifications and changes in protocol the Board had already implemented, which are designed to expedite and simplify the process and catch up on the backlog the Board had in place. Most significantly, the Board has added three-and-a-half License Specialist positions in the last two years, which is not a small accomplishment considering the amount of money it adds to the personnel budget. Mr. Cousineau said he believes the Board is already seeing results in the timelines, but will see more significant results in the next month or two.

Mr. Cousineau said Assemblyman O'Neill also asked for Board members' ideas for legislation in areas of modernization and improvement in the licensure process timeline. Mr. Cousineau said those will be a legislative request, and will have to wait until the 2025 session, but he wanted to encourage Board members to bring their ideas forth so they can potentially be incorporated into the Board's legislative initiatives for the legislative session in 2025.

Dr. Nagy said he wanted to commend the staff for writing a well-composed and thoughtful letter and showcasing the improvements the Board has made to the licensure process.

Discussion ensued regarding ways the Board could educate applicants and the public regarding the licensure process through public relations.

Dr. Nagy said he had spoken with Assemblyman O'Neill regarding what motivated him to send the letter and said it appeared to him that Assemblyman O'Neill must have been hearing from a lot of people that this is an important issue.

Dr. Nagy said one item he discussed with Assemblyman O'Neill was the possibility of contacting a consultant company that has an experienced team in operations management or operations research that looks at corporations and their processes and how to optimize them and then provide a report. Assemblyman O'Neill offered that the LCB performs audits that the Board may be able to access and the Governor has an audit team that may also be able to audit the Board's operations.

Mr. Cousineau reminded the Board that it had recently gone through an exhaustive LCB audit in 2021 that looked at its investigative, licensing and legal processes. The Board's licensing processes were lauded and the auditors specifically stated that 98% of the delays in applications were on the part of the applicant, not Board staff. Additionally, with respect to bringing in an outside entity to look for efficiencies, etc., that is the specific reason the Federation of State Medical Boards was brought in, as they are the subject matter experts in this area. Mr. Cousineau said that staff would bring to the Board in December some real-world examples of the licensing timelines and how they have hopefully decreased significantly.

Ms. Arias-Petrel said the Board should focus on education.

Mr. Cousineau said he agrees that education is important. He said the Board has an outreach program, which staff used to present regularly to third-year residents, among others. He explained that we got away from that because of COVID. However, for the last four years, even during COVID, staff has been presenting the outreach program to the Physician Assistant Program at UNR. He said the staff plans to continue to present the outreach program.

Dr. Spirtos said education needs to start with the Board members, and Mr. Cousineau said the staff could put something educational together for the Board members.

Ms. Beal said she had attended the Federation of State Medical Boards training and it was very helpful.

Ms. Beal left the meeting at 3:03 p.m.

Dr. Nagy said that Assemblyman O'Neill also told him he had worked at the Department of Public Safety (DPS) and had played a significant role in the fingerprinting division. Assemblyman O'Neill offered to connect the Board with people who are currently working at DPS who could help the Board utilize the system they use to speed things along. Dr. Nagy said they also discussed the possibility of hiring office temps to come in and help clear the backlog. He said when he talked to Board staff about this, they told him there was one time of the year when that would be helpful, and that was during license renewals.

Agenda Item 40

**UPDATE REGARDING REQUEST FOR PROPOSAL (RFP) PURSUANT TO NRS/NAC CHAPTERS 333 FOR THE BOARD TO ENGAGE A PUBLIC RELATIONS FIRM**

Ms. Bradley said a meeting was held the previous day to review the proposals that had been received. Staff will prepare the contract, get it finalized and submit it to the Board of Examiners for approval. Information about the contract is not public until it is approved by the Board of Examiners. She said the staff is hoping to get it added to the Board of Examiners agenda for November and is hoping that the chosen vendor will start work December 1, 2023.

Dr. Frey asked about the scope of the RFP.

Ms. Bradley said the scope of work in the RFP was for help in communicating with the public and other interested persons regarding what the Board is doing and to assist with press releases and the Board's newsletter. So, basically, the vendor is going to help us communicate the Board's message.

Agenda Item 41

**CONSIDERATION AND APPROVAL OF REVISION TO BOARD POLICY AND PROCEDURE MANUAL REGARDING CATASTROPHIC LEAVE**

Ms. Bradley explained that this item was on the agenda to provide more detail in the policy regarding catastrophic leave. The policy currently states that leave can be donated but doesn't really describe how that may occur. She said the Board had a situation where this was needed as an option for someone, so staff looked at the State's policy, and this proposed revision is almost identical to what the State has. It provides more detail so the employees know how much they can donate, the individual employee who needs the donation knows how much he or she can receive, and it also identifies what qualifies as "catastrophic."

Dr. Frey moved that the Board approve the revision to the Board Policy and Procedure Manual. Mr. Wade seconded the motion and it passed unanimously.

Agenda Item 42

**CONSIDERATION AND APPROVAL OF PROPOSED 2024 BOARD MEETING SCHEDULE**

Mr. Cousineau said this agenda item would be tabled until the December meeting so we will know the composition of the investigative committees and can approve all the meetings at once.

Agenda Item 43

**NEW BUSINESS**

Dr. Nagy said he had an item to discuss the potential for consultants to review the Board's licensure process. He also wanted to acknowledge the outstanding work done by Dr. Victor Muro in service to the Board, which he carried out with excellent intent and high standards and a love of the State of Nevada, and Dr. Nagy thinks the Board is far better for his service to it.

Dr. Spirtos said he would like the Board to consider bringing in a polygraph expert to make a presentation to the Board as an alternative method to assist the Board in difficult cases of "he said, she said," particularly those that imply sexual impropriety with patients. This would provide an opportunity for a licensee to clear his or her name, and would perhaps assist in making a determination as to what really went on.

Discussion ensued regarding how polygraphs could assist the investigative committees in further determining the facts in certain cases.

Mr. Cousineau said there is nothing in statute or regulation that would allow the Board to mandate that a licensee submit to a polygraph; however, it could be a voluntary option for a licensee, which could be of potential value in certain cases.

Further discussion ensued regarding how polygraphs could assist the investigative committees in further determining the facts in certain cases.

Dr. Nagy said there was potentially an issue with the email system. He had a meeting with a State Legislator who indicated he had not received an email that was sent from the Board. So, Dr. Nagy asked the State's Information Technology Division to take a look at it and they verified that as far as they could tell, there was no problem on our end. Dr. Nagy said he will keep the Board advised as further information about this arises.

Agenda Item 44

#### **STAFF COMMENTS/UPDATES**

Mr. Cousineau said he had spoken with Dr. Muro previously, and Dr. Muro had agreed he would like to have a dinner in Las Vegas in conjunction with the December Board meeting. Mr. Cousineau said staff be coordinating that and will provide the details to the Board, assuming Dr. Muro still desires going forward with that. Mr. Cousineau said in that event, the dinner would be held the Thursday night before the December 1 meeting.

Agenda Item 45

#### **ELECTION OF OFFICERS AND APPOINTMENT OF INVESTIGATIVE COMMITTEE MEMBERS**

Mr. Ward recommended that the Board receive a nomination, the nominee say, "I accept it," then ask for any other nominations, close it and have a vote. A nominee can vote for himself or herself.

Dr. Nagy asked for nominations for President. Dr. Frey nominated Dr. Spirtos and Mr. Wade seconded the nomination. Dr. Spirtos accepted the nomination. No additional nominations were received. Dr. Spirtos was elected President by acclamation.

Dr. Nagy asked for nominations for Vice President. Dr. Williams nominated Dr. Frey and Ms. Arias-Petrel seconded the nomination. Dr. Frey accepted the nomination. No additional nominations were received. Dr. Frey was elected Vice President by acclamation.

Dr. Nagy asked for nominations for Secretary-Treasurer. Dr. Frey nominated Ms. Arias-Petrel for Secretary-Treasurer and Dr. Spirtos seconded the nomination. Ms. Arias-Petrel accepted the nomination. No additional nominations were received. Ms. Arias-Petrel was elected Secretary-Treasurer by acclamation.

Mr. Cousineau Dr. Spirtos could defer to Dr. Nagy or could determine the composition of the three investigative committees. He said recommendations could be made and if there were no objections to the recommendations, that could be accomplished by acclamation. Since the Board has three investigative committees, all current Board members will need to be on an investigative committee. He suggested that the Board retain the current composition of the investigative committees,

with Dr. Ahsan as the Chair of Investigative Committee B, since he would be the senior member of that committee, and with Dr. Simon assigned to Investigative Committee B. Dr. Ahsan accepted the Chairmanship for Investigative Committee B.

Dr. Spirtos said he would like Dr. Nagy to remain the Chair of Investigative Committee C and Dr. Frey to remain the Chair of Investigative Committee A.

As no objections were received, the composition of the investigative committees as stated was set by acclamation.

Agenda Item 46  
**PUBLIC COMMENT**

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

Dr. Frey thanked Dr. Nagy for his service as President of the Board the past year. Dr. Ahsan concurred.

Mr. Cousineau stated that the RFP that was previously discussed was Dr. Nagy's idea, and he thinks having a public relations firm will add a lot of value.

Agenda Item 47  
**ADJOURNMENT**

Dr. Nagy adjourned the meeting at 3:26 p.m.

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**NEVADA STATE BOARD OF MEDICAL EXAMINERS**

9600 Gateway Drive  
Reno, NV 89521

Nick M. Spirtos, M.D., F.A.C.O.G.  
*Board President*



Edward O. Cousineau, J.D.  
*Executive Director*

**\* \* \* MINUTES \* \* \***

**OPEN SESSION BOARD MEETING**

Held Via Teleconference and at the Following Locations:

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

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, OCTOBER 19, 2023 – 12:00 NOON***

***Board Members Present at Board Office in Reno***

Mr. M. Neil Duxbury

***Board Members Present at Board Office in Las Vegas***

Steven Evans, M.D.  
George P. Kelesis, Esq.

***Board Members Present by Telephone***

Nick M. Spirtos, M.D., F.A.C.O.G., President  
Irwin B. Simon, M.D., FACS  
Joseph Olivarez, P.A.-C

***Board Members Absent***

Bret W. Frey, M.D., Vice President  
Ms. Maggie Arias-Petrel, Secretary-Treasurer  
Aury Nagy, M.D.  
Chowdhury H. Ahsan, M.D., Ph.D., FACC  
Ms. Pamela J. Beal  
Col. Eric D. Wade, USAF (Ret.)  
Carl N. Williams, Jr., M.D., FACS

***Staff/Others Present at Board Office in Reno***  
Edward O. Cousineau, J.D., 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  
Ian J. Cumings, Deputy General Counsel

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

Agenda Item 1

**CALL TO ORDER AND ANNOUNCEMENTS**

- Roll Call/Quorum

President Nick M. Spirtos, M.D., F.A.C.O.G., called the meeting to order at 12:01 p.m.

Mr. Cousineau took roll call. Board members present were Nick M. Spirtos, M.D., F.A.C.O.G., President, Irwin B. Simon, M.D., FACS, Joseph Olivarez, P.A.-C, Mr. M. Neil Duxbury, Steven Evans, M.D. and George P. Kelesis, Esq. Mr. Cousineau announced there was a quorum.

Agenda Item 2

**PUBLIC COMMENT**

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

Agenda Item 3

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HOWARD FRANCOIS, M.D., BME CASE NO. 23-33514-1**

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

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

Agenda Item 4

**CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BENJAMIN MORGAN MUIR, M.D., BME CASE NO. 23-36616-1**

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

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

Agenda Item 5

**PUBLIC COMMENT**

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

Mr. Cousineau said he wanted to thank the Board members, and the special Board member appointees in particular, for their time and participation with respect to this meeting. Dr. Spirtos said he echoed Mr. Cousineau's sentiments.

Agenda Item 6

**ADJOURNMENT**

Mr. Kelesis moved to adjourn the meeting. Mr. Duxbury seconded the motion and it passed unanimously. Dr. Spirtos adjourned the meeting at 12:12 p.m.

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