

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 Videoconferenced 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 13, 2024 – 8:00 a.m.

Board Members Present

Nick M. Spirtos, M.D., F.A.C.O.G., President
Bret W. Frey, M.D., Vice President
Ms. Maggie Arias-Petrel, Secretary-Treasurer
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
Joseph Olivarez, P.A.-C
Jason B. Farnsworth, RRT, MBA
Hugh L. Bassewitz, M.D., FAAOS

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
Ian J. Cumings, J.D., Senior Deputy General Counsel
William P. Shogren, J.D., Deputy General Counsel
Alexander J. Hinman, J.D., Deputy General Counsel
Kory Linn, Chief of Licensing
Henna Rasul, J.D., Senior Deputy Attorney General

Agenda Item 1

CALL TO ORDER AND ANNOUNCEMENTS

- Roll Call/Quorum

The meeting was called to order by President Nick M. Spirtos, M.D., F.A.C.O.G., at 8:14 a.m.

Dr. Spirtos introduced new Board member, Hugh L. Bassewitz, M.D., FAAOS, and welcomed him to the Board.

Mr. Cousineau took roll call, and all Board members were present.

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

APPROVAL OF MINUTES

- June 7, 2024 Board Meeting – Open/Closed Sessions

Dr. Frey moved that the Board approve the Minutes of the June 7, 2024 Board Meeting – Open/Closed Sessions. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 4

CONSIDERATION AND APPROVAL OF 2023 ANNUAL FISCAL AUDIT BY CASEY NEILON

Nicola Neilon, CPA, of Casey Neilon, said she wanted to thank Mr. Cousineau and Ms. Jenkins for all the support they provide to the auditors during the audits. She said the Board has a fantastic fiscal team that is very responsive to the auditors, and the Board should be very proud of the work they do.

Ms. Neilon said the Independent Auditor's Report was an unmodified opinion, which is the highest level of assurance that auditors can provide on a set of financial statements. The Report noted there was a Change in Accounting Principle in 2023. A new standard, GASB 96, *Subscription-Based Information Technology Arrangements*, requires a capitalization of an asset and a liability for

subscription-based information technology, which would be something like the Board's licensing system. The auditors conducted an analysis of that with the finance team and determined it was not material for the Board's financial statements.

Ms. Neilon then highlighted the information contained in the financial statements. She said the Statement of Net Position is the equivalent of a balance sheet, and presents the assets, liabilities and equity. In the government arena, that is called net position. The Board's cash equivalents were \$7.4 million, which was up from \$4.1 million the prior year, and the Board's investments were \$3.6 million, up from \$960,000 the prior year. This is expected because 2023 was a renewal year. Compliance and fines were \$260,000, up from \$140,000 in the prior year. Noncurrent assets, which are the Board's capital assets, were \$3.6 million, down from \$3.8 million the prior year. Deferred outflows are directly related to pensions and post-employment benefits. Those were \$2.3 million, which was down from \$2.6 million the prior year. That is something the Board has no control over. Those numbers are provided to the Board by the Nevada Public Employees' Retirement System (PERS) and Public Employees' Benefits System (PEBS). Total assets and deferred outflows, which would be the equivalent of total assets on the Board's balance sheet, were \$17.2 million, which was up from \$11.6 million the prior year. Total current liabilities were \$8.5 million, up from \$3.2 million the prior year. This is primarily due to deferred license fees, which are \$7.8 million, up from \$2.5 million the prior year. The Board's noncurrent liabilities and deferred outflows were consistent with the prior year, and again were attributable to PERS and PEBS. Total liabilities and deferred inflows were \$18.3 million, which was up \$12.9 million the prior year. The Board's net position was a negative \$1,125,000. The drivers there are the reported PERS and PEBS liabilities and are not indicative of the Board's current activity. That net position is actually an improvement over the prior year, which was a negative \$1,256,000. Ms. Neilon then highlighted the Statement of Revenues, Expenses, and Changes in Net position and stated the change in net position was a positive \$130,000.

Ms. Neilon explained that this is a government audit, so the auditors are required to provide a report to the Board on internal controls and compliance, and they had no findings related to those. They issue a required separate communication to governance that reports anything the auditors feel needs to be reported to the Board. It was a very benign report and almost everything in there is standard language. It indicates the standards that were in effect and the adjustments made to the financial statements. The first two adjustments were standard and were related to PERS and PEBS. Those cannot be recorded until the reports come out. The third was attributable to compensated absences, and the fourth was related to voided checks. Therefore, there was nothing significant to report.

Ms. Arias-Petrel thanked Ms. Neilon and Ms. Jenkins for their hard work. She said she wanted to highlight the tremendous growth in the number of new licenses issued from 2019 to 2023.

Dr. Spirtos thanked Ms. Arias-Petrel, Ms. Jenkins and Ms. Jenkins' team for their work.

Dr. Frey moved that the Board approve the audit. Mr. Wade seconded the motion, and it passed unanimously.

Agenda Item 5

CONSIDERATION OF REQUEST OF STEPHEN WINSLOW GORDON, M.D., FOR REMOVAL OF THE RESTRICTIONS ON HIS MEDICAL LICENSE

Dr. Gordon was present with his legal counsel, David Barney, Esq.

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

Mr. Barney stated Dr. Gordon was before the Board with a request that the Board reinstate Dr. Gordon's license and record a Code 1280 showing that reinstatement on the National Practitioner Data Bank (NPDB). He said he thought this would resolve some of the confusion surrounding Dr. Gordon's license and stated that Dr. Gordon has satisfied all of the Board's requirements.

Dr. Frey asked Dr. Gordon when he last performed surgery. Dr. Gordon said his last surgical case was in September of 2020.

Dr. Frey asked whether Dr. Gordon planned to return to the active practice of surgery. Dr. Gordon said he did not plan to return to performing Brazilian Butt Lifts (BBL).

Dr. Frey asked Dr. Gordon whether he planned to return to the operating room in the State of Nevada. Dr. Gordon said he didn't have plans at that time to return to an operating room at a hospital and didn't anticipate that decision being made.

Dr. Spirtos asked how the Board and the public were to be assured of Dr. Gordon's competence when he has not practiced or performed surgery in four years.

Mr. Barney stated the Board imposed discipline upon Dr. Gordon and that discipline has effectively barred Dr. Gordon from practicing. He said they understand the Board's concerns and Dr. Gordon is happy to discuss with the Board any reasonable request.

Dr. Spirtos said Dr. Gordon has not been restricted from practicing and he has been able to practice medicine so the statement that the Board had prevented him from practicing medicine is incorrect. There are some limitations, but he can practice medicine, and he has practiced at Sunrise Hospital.

Ms. Bradley explained that as of that day, Dr. Gordon held an unrestricted, active license, which he had held for some time. In June of 2019, he entered into a settlement agreement with the Board wherein he agreed to limit his practice and agreed not to perform plastic surgery procedures. A year later, he returned to the Board and that settlement agreement was modified and that paragraph was removed and replaced. The new paragraph said essentially that he did not have a limitation any longer. It said he would work at the burn unit, and he would let the Board know if and when he changed employment. So, there is no current restriction. It was actually removed in June of 2020. The issue for Dr. Gordon is the NPDB report shows the original limitation and then shows the modification but never shows that the whole process was completed. Dr. Gordon is before the Board now because he does not want to be limited to working at only the burn unit. He is asking the Board to enter an order indicating he has completed the terms of the settlement agreement, and his license has been restored to active with no restrictions.

Dr. Spirtos asked Dr. Gordon when he last practiced clinically, and Dr. Gordon said it was in February of 2021.

Ms. Beal asked Dr. Gordon whether he had any potential job offers.

Dr. Gordon said he had a potential job offer with Dr. Linda Woodson, a dermatologist, doing Mohs surgery wound closures. He would be precepted by a physician who is a well-known skin and cancer dermatologist. He has other opportunities he would like to pursue, but he cannot do so as long as his license does not show as unrestricted.

Dr. Spirtos asked Dr. Gordon whether he would be willing to take the Special Purpose Examination (SPEX) and Dr. Gordon said he would consider it.

Ms. Bradley said Dr. Gordon has an active, unrestricted license. The issue is there was a restriction in place that was modified but the NPDB does not show it as being gone. The NPDB shows that the restriction is still in place. It is not, and the Board's system shows that it is not. So, Dr. Gordon is really asking for an order restating the status of his license so that the Board can report to the NPDB.

Discussion ensued regarding whether the Board should grant Dr. Gordon's request.

Dr. Frey said he thought the Board was looking for some reassurance that Dr. Gordon is not going to return to a former level of practice with BBLs and various liposuction procedures that are inherently risky in good hands.

Dr. Gordon said he had no plans, intention or desire to return to doing BBLs and at that point in time it was not his intention to do liposuction. His intention that day was to have the restriction clarified as having been removed so he can get into other areas of practice, specifically administrative sorts of things.

Dr. Frey moved that the Board correct the report to the NPDB to indicate that Dr. Gordon has an active license without any restrictions. Ms. Beal seconded the motion, and it passed, with Dr. Williams abstaining from the vote and all other adjudicating Board members voting in favor of the motion.

Agenda Item 6

CONSIDERATION OF REQUEST OF GEORGE PETER CHAMBERS, JR., M.D., FOR MODIFICATION OF THE TERMS OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GEORGE PETER CHAMBERS, JR., M.D., BME CASE NO. 22-27891-1, TO INCLUDE ACCEPTANCE OF THE PACE COURSE DR. CHAMBERS COMPLETED PRIOR TO ENTRY OF THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER AS COMPLIANCE WITH THAT TERM OF THE ORDER

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

Dr. Frey summarized the facts and the allegations of the Complaint in the underlying case. He said he did not believe all four requirements of the stayed revocation had been completed.

Mr. Olivarez said it was his understanding Dr. Chambers wanted to know if the PACE program that was done prior to entry of the Board's Order was acceptable.

Ms. Bradley explained that Dr. Chambers was requesting a modification of the Board's Order. He was not currently in compliance with the Order, the Investigative Committee made that determination, and his license has been suspended. A preliminary show cause hearing was held and the hearing officer recommended to the Investigative Committee that there was enough evidence presented that he was not in compliance. Dr. Chambers is not disputing that he is not in compliance and has explained the reasons for his lack of compliance. Based on his failure to comply with the Board's Order, the Investigative Committee issued a continued Order of Suspension. Therefore, his license was currently suspended for failure to comply. The next step would be a hearing on the matter if the Board chose not to take action on Dr. Chambers' petition that day. His request is for the Board to modify the original Board Order to extend the time in which he could pay the amount due to the Board as well as to

allow him to make payments to the Board for those amounts, and that the Board accept the PACE course he took in December 2022 as having satisfied that condition of the original Order. If the Board declines his petition, the matter will go forward on the case regarding failure to comply with the original Order.

Dr. Spirtos stated he had previously recused himself from the case and was recusing himself from the case again.

Discussion ensued regarding whether the Board should modify the terms of payment, and if so, to what, and whether the Board should accept the PACE course Dr. Chambers took in December 2022 as having satisfied that term of the original Order.

Ms. Bradley said Dr. Chambers had originally owed \$54,000 in costs. He made one payment of \$2,500, so that amount was down to just over \$51,000 in costs, and he owed a fine of \$6,000, so the current total he owed was just over \$57,000.

Dr. Frey suggested that the Board accept the PACE course as work already done and to specify that Dr. Chambers will pay the costs and fine within 24 months in 24 equal payments, with the first payment due 30 days from that date.

Mr. Agwara stated that was acceptable to Dr. Chambers.

Dr. Frey moved that the Board accept the PACE course as work already done and Dr. Chambers pay the costs and fine in 24 equal payments beginning 30 days from that date.

Ms. Arias-Petrel asked about Dr. Chambers' request to remove the requirement that he have a chaperone with him when examining patients.

Dr. Frey amended his motion as follows: (1) that the Board accept the PACE course as work already done; (2) that Dr. Chambers pay the costs and fine in 24 equal payments beginning 30 days from that date; and (3) that the chaperone requirement will remain in effect. Mr. Olivarez seconded the motion, and it passed, with Dr. Spirtos abstaining from the vote and all other adjudicating Board members voting in favor of the motion.

Mr. Agwara inquired as to the status of the suspension of Dr. Chambers' license.

Ms. Bradley stated she would go back to the Investigative Committee with a request that they make a decision regarding the suspension based upon modification of the terms of the original Order.

Agenda Item 7

PRESENTATION BY CE BROKER REGARDING ITS CONTINUING EDUCATION COMPLIANCE MANAGEMENT SYSTEM

Amanda Lipinski, Board Consultant, and Marcia Mann, Senior Client Success Manager and Solutions Consultant, appeared on behalf of CE Broker.

Ms. Lipinski provided a PowerPoint presentation to the Board regarding the services offered by CE Broker with regard continuing education compliance management.

Ms. Lipinski explained CE Broker has a connector with the Interstate Medical Licensure Compact (IMLC) which makes the renewal process for those licensees who participate in the IMLC easier on the back end for Board staff. CE Broker is a no-cost software plug-in that connects a board's

licensing system in essence integrating board staff, licensees and education providers into one ecosystem, which makes it easier for all parties involved. CE Broker has been around for 20 years beginning with the Florida Department of Health and has expanded to over 250 health care boards nationwide and over 5,000,000 licensed professionals utilize it today. She then outlined the services CE Broker offers to boards and licensees.

Dr. Frey asked about tiered pricing for practices, and Ms. Mann stated they offered that.

Ms. Lipinski described how the compliance API with the IMLC works.

Dr. Simon asked how CE Broker gets notified if a licensee takes a course outside of the CE Broker marketplace, and Ms. Lipinski explained how a licensee would self-report that.

Ms. Mann provided a demo of the CE Broker experience for licensees.

Dr. Spirtos asked whether the courses offered through the CE Broker marketplace were free or had a cost, and Ms. Lipinski stated they offered both.

Dr. Frey asked whether there was an initial contractual minimum term. Ms. Lipinski said it was something around 12 to 24 months, but if the Board decided the system was not for them, it could cancel the contract.

Dr. Frey moved that the Board approve CE Broker for the purposes of tracking continuing education at a no-cost, fiscally-neutral position for the Board. Dr. Williams seconded the motion.

Discussion ensued regarding how it would affect licensees if the Board decided to cancel its contract with CE Broker and what would happen to the Board's data. Ms. Lipinski stated that the Board owns its data at all times, and it is all public data.

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

Agenda Item 8

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BINH MINH CHUNG, M.D., BME CASE NO. 15-20478-1

Dr. Chung was not present.

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

Ms. Rasul confirmed that all adjudicating Board members had received and reviewed the materials regarding the matter, and then provided procedural instruction regarding the adjudication process.

Mr. Farnsworth outlined the facts of the underlying case, and the allegations contained in the First Amended Complaint. He stated after conclusion of the hearing in the matter, the hearing officer recommended revocation of license.

Dr. Simon moved that the Board accept the hearing officer's recommendation that Dr. Chung's license be revoked. Dr. Ahsan seconded the motion.

Mr. Cousineau stated that for the record, Dr. Chung was contacted through the Department of Corrections and noticed of his ability to appear in his defense and as of the previous day, Dr. Chung had not contacted staff to indicate he would be appearing.

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

Mr. White presented the Investigative Committee's recommendations regarding discipline in the matter. Pursuant to NRS 622A.410 and NRS 630.352, Dr. Chung's license to practice medicine in the State of Nevada shall be revoked, and pursuant to NRS 622A.410, he shall not reapply for a new license for a minimum period of 10 years. Dr. Chung shall be required to pay the Board's costs and fees in the amount of \$7,854.19, with that requirement to be immediately stayed, and said amount being immediately due and payable in full upon his application for a new license. He shall pay a fine of \$10,000, with that requirement to be immediately stayed, and said amount being immediately due and payable in full upon his application for a new license. Dr. Chung shall also receive a public reprimand.

Dr. Spirtos moved that the Board accept the Investigative Committee's recommendations for disciplinary action and approve the attorneys' fees and costs as they were reasonable and justified. Mr. Olivarez seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 9

CONSIDERATION OF REVOCABLE DELEGATION AND AUTHORIZATION BY THE BOARD TO THE GENERAL COUNSEL OF THE BOARD TO DEFEND THE BOARD'S FINDINGS, CONCLUSIONS, ORDERS AND ACTIONS IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BINH MINH CHUNG, M.D., BME CASE NO. 15-20478-1, 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

Mr. Farnsworth moved that the Board authorize the Board's 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 10

DISCUSSION AND POSSIBLE CREATION OF A LEGISLATIVE SUBCOMMITTEE OF THE BOARD

Mr. Cousineau explained that during the last legislative session, the Board created a legislative subcommittee and impaneled five of the nine Board members to serve on that subcommittee. They did quite a bit of work, and Ms. Bradley took the lead and ran those meetings, and informed all Board members of the matters of concern to the Board as a whole. It is some work and takes some time, but staff would like to do that again for the upcoming legislative session. The reason this is important is that the subcommittee will have the ability to speak for the Board as a whole, and with that, our lobbyist or staff will be able to say that the Board has reviewed this item, and this is its position on it. Prior to the last legislative session, before the Board had a subcommittee, we always had to be neutral because unless the Board had approved a matter at a meeting prior to the legislative session starting, we did not

have the ability to review matters en masse. He said he was recommending five members again but wanted the Board members to be aware that there is a significant amount of time involved and a lot to review. He said the session will begin on February 2, 2025.

Dr. Spirtos, Dr. Frey, Ms. Arias-Petrel, Ms. Beal, Mr. Wade, Mr. Olivarez and Mr. Farnsworth volunteered to serve on the subcommittee.

Mr. Wade moved that the Board create a Legislative Subcommittee of the Board comprised of the following Board members: Dr. Spirtos, Dr. Frey, Ms. Arias-Petrel, Ms. Beal, Mr. Wade, Mr. Olivarez and Mr. Farnsworth volunteered. Dr. Williams seconded the motion.

Dr. Simon asked whether all Board members would be provided with information in order to stay up to speed on matters.

Ms. Bradley said that during the legislative session, she will send updates to all Board members so they know what items the subcommittee had reviewed and the position taken on each bill. The subcommittee members will receive separate emails from her regarding meeting scheduling, meeting agendas, and related items. She said she would do her best to keep all Board members informed throughout the session, and, if any Board members had questions, to please email her.

Mr. Cousineau added that the subcommittee meetings are public, and the agendas are published. He said all Board members are welcome to appear at all subcommittee meetings, even if they are not part of the subcommittee.

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

Agenda Item 11

REPORTS

(a) Investigative Committees

Dr. Frey reported that at its August 16, 2024 meeting, Investigative Committee A considered 66 cases. Of those, the Committee authorized the filing of a formal complaint in no cases, sent 5 cases out for peer review, requested an appearance in 1 case, issued 12 letters of concern, referred 2 cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 46 cases.

Dr. Ahsan reported Investigative Committee B. At its August 7, 2024 meeting, Investigative Committee B considered 53 cases. Of those, the Committee authorized the filing of 1 formal complaint, sent 5 cases out for peer review, requested an appearance in 3 cases, issued 11 letters of concern and recommended closure of a total of 33 cases. Dr. Ahsan said it would be good to communicate with licensees regarding how to prevent complaints.

Dr. Spirtos stated that Dr. Frey had recently written an article regarding that issue, which was hopefully disseminated widely.

Dr. Spirtos reported that at its August 8, 2024 meeting, Investigative Committee C considered 33 cases. Of those, the Committee authorized the filing of 2 formal complaints, sent 4 cases out for peer review, requested an appearance in 1 case, issued 6 letters of concern, and recommended closure of a total of 20 cases.

(b) Nevada State Medical Association

Sarah Watkins, Executive Director of the Nevada State Medical Association (NSMA), reported that the NSMA Annual Meeting would be held in Henderson the following week. She stated this is one of the most important things NSMA does, as delegates from the county medical societies meet and they create policy that then goes to the policy compendium, which helps NSMA advocate for its members and physicians in the State of Nevada. NSMA is also in the middle of its membership renewal season. The NSMA Physicians' Day at the Legislature will be held on April 14, 2025, and NSMA is formulating its legislative priorities for the 2025 legislative session. The NSMA Political Action Committee is very busy with the 2024 election season coming up. NSMA will hold a legislative mixer at its Annual Meeting on September 20, 2024, and will hold another in the north on October 10, 2024. She said NSMA appreciates its collaboration with the Board.

(c) Clark County Medical Society

Amber Carter, Executive Director of the Clark County Medical Society (CCMS), was not present, but had submitted a written report prior to the meeting, which had been provided to all Board members.

(d) Washoe County Medical Society

Angela Bedell, Executive Director of the Washoe County Medical Society (WCMS), was not present, but had submitted a written report prior to the meeting, which had been provided to all Board members.

Agenda Item 12

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ALLISON AMY BUDZBAN, CRT, BME
CASE NO. 24-53896-1

Ms. Budzban was present with her legal counsel, R. Christopher Reade, Esq.

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

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

Dr. Simon stated the Board was working simply on failure to notify the Board as the reason for this action.

Mr. Hinman stated Ms. Budzban had lost her National Board for Respiratory Care (NBRC) credential, which prevented her from practicing for the last two years. Because she does not hold any credentials from the NBRC, she does not currently hold a license.

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

Agenda Item 13

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RONALD STEPHEN HOFFLANDER, M.D., BME CASE NO. 24-12765-1

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

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

Mr. Olivarez 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 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. FRANCIS ESCOLIN JIMENEZ, M.D., BME CASE NO. 24-12965-1

Dr. Jimenez' legal counsel, Eric Stryker, Esq., was present.

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

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

Mr. Farnsworth stated this matter came before the Board at the last meeting and the Board asked for additional terms, and additional terms had been added. Mr. Hinman stated the additional terms were the chaperone component and the ability for the Board to take action for noncompliance with that component.

Mr. Olivarez said he appreciated the Investigative Committee's efforts in working with the Board.

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

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JOHN TIMOTHY KATZEN, M.D., BME CASE NO. 24-34676-1

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

Mr. Hinman stated a formal Complaint had been filed against Dr. Katzen alleging one violation 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. Farnsworth seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. YEYGENIY ANATOLIY KHAVKIN, M.D., BME CASE NOS. 22-35041-2, 23-35041-1 AND 23-35041-2

This matter was not considered by the Board at this meeting.

Agenda Item 17

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS MOHAMMED MERAJUL HOQUE, M.D., BME CASE NO. 24-50922-1

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

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

Dr. Frey moved that the Board approve the proposed Settlement Agreement. Mr. Wade seconded the motion.

Mr. Olivarez said he thinks this case underscores the importance of an informed consent time out.

A vote was taken on 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. MICHAEL SCOTT MALL, M.D., BME CASE NOS. 23-8666-1, 23-8666-2 AND 23-8666-3

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

Mr. White stated three formal Complaints had been filed against Dr. Mall alleging a total of 10 violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Dr. Bassewitz moved that the Board accept the proposed Settlement Agreement. Mr. Farnsworth 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. ROSE ELIZABETH PAIVA, M.D., BME CASE NO. 24-12633-1

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

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

Dr. Williams stated this was another case involving a physician practicing beyond the scope of his or her training, which is a problem the Board continues to see.

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 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANDREW JACKSON WELCH, M.D., BME CASE NOS. 24-5474-1 AND 24-5474-2

Mr. White stated two formal Complaints had been filed against Dr. Welch alleging a total of four violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

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

Agenda Item 21

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HISBAY HAIDER ALI, M.D., BME CASE NO. 24-53587-1

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

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

Dr. Spirtos said that not knowing all the details and with all due respect to the Investigative Committee and giving huge deference to them in this type of case, he finds it a bit disturbing that the Board suspends the license and then allows the person in this type of situation to go back to practicing.

Mr. Olivarez said that echoed Dr. Spirtos' feelings but would still make a motion to accept the proposed Settlement Agreement.

The motion died for lack of a second.

Dr. Spirtos said he would like to see some ongoing counseling for Dr. Ali and if the Board is going to let him return to practice immediately, that he be under some kind of monitoring.

Ms. Arias-Petrel said she agreed with Dr. Spirtos and suggested that Dr. Ali undergo some type of evaluation.

Agenda Item 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. HISBAY HAIDER ALI, M.D., BME CASE NO. 24-53587-2

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

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

Dr. Simon stated this is the same individual as in the prior case, and it appears to him that there is a lot of self-indulgence in financial incentives here. It is alleged as a fact that his documentation was basically a cut-and-paste of identical subjective mental status exams. We know that Medicare, Medicaid and other federal programs are very carefully looking at physicians and warning them that they will be penalized for cut-and-paste documentation like that. This is not practicing medicine. Dr. Simon said he has serious concerns about the mental status of this individual and whether he can be brought back into effective practice.

Ms. Arias-Petrel stated she had the same concerns with respect to an evaluation.

No motion was made with respect to the proposed Settlement Agreement.

Agenda Item 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SAVITA M. CHANDER, M.D., BME CASE NO. 24-25391-1

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

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

Mr. Farnsworth moved that the Board approve the proposed Settlement Agreement. Mr. Olivarez 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. POUYA MOHAJER, M.D., BME CASE NOS. 24-28841-1 AND 24-28841-2

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

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

Dr. Williams said this is again a case of someone practicing without adequate training and on top of that, instead of helping the patient, hurt the patient.

Discussion ensued regarding the issue of lack of knowledge on the part of some physicians with respect to stem cell products and what is FDA-approved and what is not and whether the Board could integrate scope of practice and a delineation of privileges into its licensing process.

Dr. Frey 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 25

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. LUCAS MICHAL ANDERSON, PA-C, BME CASE NO. 24-44161-1

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

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

Discussion ensued regarding the provision of the proposed Settlement Agreement requiring that Mr. Anderson not reinstate his license or reapply for a new license for a period of time.

Mr. Olivarez moved that the Board adopt the proposed Settlement Agreement. Dr. Bassewitz 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. LESLIE KAY BROWDER, M.D., BME CASE NO. 24-12686-1

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

Dr. Frey moved that the Board accept 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 27

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. QUEE FAH CHIN, M.D., BME CASE NO. 24-10433-1

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

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

Mr. Farnsworth 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 28

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. NAUMAN JAHANGIR, M.D., BME CASE NO. 24-29836-1

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

Mr. Shogren stated a formal Complaint had been filed against Dr. Jahangir 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 approve the proposed Settlement Agreement. Mr. Farnsworth 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. SUSHIL RAMAN PATEL, M.D., BME CASE NO. 24-34052-1

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

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

Dr. Frey said this case surrounded lack of using a reversal agent, and the CME on GI hemorrhage mandated in the proposed Settlement Agreement does not speak to the error, which was not using a reversal agent, so he thinks a more appropriate CME would be on anticoagulation and reversal.

Mr. Cousineau said the Board could adopt the Settlement Agreement as written and staff could make a recommendation afterwards.

Dr. Frey moved that the Board approve the proposed Settlement Agreement. Mr. Olivarez 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. WARREN LESLIE SMITH, M.D., BME CASE NO. 24-5889-1

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

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

Dr. Bassewitz moved that the Board accept the proposed Settlement Agreement. Mr. Olivarez 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. LAUREN MCKELL YOUNG, PA-C, BME CASE NO. 24-45817-1

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

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

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

Agenda Item 32

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that from June 7, 2024, through September 12, 2024, the Investigations Division received a total of 354 complaints. Of those, 136 cases were opened as formal investigations, 79 were not within the Board's jurisdiction, 60 were referred to other agencies and regulatory bodies, 25 were resolved through proactive measures, and 10 were either still pending review or were duplicate complaints. He stated the number of cases had increased by 63 over the last two quarters, so the numbers are going up. The total case count for 8 investigators, which includes 3 supervisors, was 371, for an average of 46 cases per investigator. So, that also increased over the last quarter. There were a total of 26 peer reviews, 13 of which had been assigned and 13 of which were pending assignment to a peer reviewer. That number decreased this quarter. Mr. Diaz said there were 26 licensees in compliance or diversion.

(b) Quarterly Compliance Report

Ms. Jenkins reported that for the second quarter of 2024, there were two files in collection for a total of \$37,213.68. The total costs and fines outstanding were \$327,656.98, and total costs collected during the quarter were \$20,997.65.

Dr. Frey stated the fines now go to supporting Nevada with respect to care on the Medicaid and the public health sides and asked whether there was a way to add that as a line item.

Ms. Jenkins said she would add that to the next quarterly report.

(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, 2024. The total current assets totaled \$10,038,000 and the total assets were \$15,883,000. The total current liabilities totaled \$6,418,000, with total liabilities and net position of \$15,883,000. The year-to-date addition to net income or net position of the Board was rounded to \$750,000.

Ms. Jenkins then highlighted the various sections of the Profit and Loss Budget vs. Actual for the quarter. The total income for the quarter was 10.5% over budget. In the expense section, the personnel expense was 9% under budget. Total expenses were 88.5% of budget. The interest income for the quarter was \$23,486 and the addition to net position for the quarter was rounded to \$292,000. The reserves of the Board were at 6.24 months.

Ms. Arias-Petrel thanked Ms. Jenkins for all her hard work.

Dr. Spirtos thanked Ms. Arias-Petrel and the whole team for their good work.

(d) Legal Division Report

Ms. Contine reported the Legal Division currently had 130 open cases. She said during this quarter, complaints had been filed in 21 cases and 3 orders were produced. The Legal Division performed hearing work on 15 cases, which included 3 cases that went to hearing and prehearing work. This quarter, 36 cases were resolved, including the 22 that had been before the Board that day. After deducting what was approved that day, the case count would be 108.

Dr. Frey asked Ms. Contine how old the oldest open case was at that time. Ms. Contine said she would have to check, but she did not think there were any cases prior to 2020.

Dr. Spirtos thanked Ms. Contine for the good work.

Later in the meeting, during the Staff Comments and Updates agenda item, Ms. Contine reported there are a few open cases with investigative files prior 2020 and the Legal team would do its best to get those completed as soon as possible.

Agenda Item 33

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 7, 2024 Board Meeting

Dr. Frey moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 7, 2024 Board Meeting. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 34

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Eli Schneck, M.D.

Lyn E. Beggs, Esq. was present with Dr. Schneck as his legal counsel.

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

Dr. Frey moved that the Board go into closed session. Mr. Wade seconded the motion, and it passed unanimously.

Upon returning to open session, Dr. Frey moved that the Board grant Dr. Schneck's application for licensure provided he completes his residency program. Mr. Wade seconded the motion, and it passed unanimously.

(b) Paul Peter Harkey, M.D.

Dr. Spirtos asked Dr. Harkey 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 highlighted Dr. Harkey's medical training and stated he was board certified and had recertified in 2021. He then questioned Dr. Harkey regarding his affirmative responses to Questions 5 and 6 on his application for licensure.

Dr. Harkey explained the circumstances surrounding the one case of malpractice that had been filed against him that resulted in a settlement.

Dr. Frey asked Dr. Harkey what he planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Harkey said he is a musculoskeletal radiologist and works for the Cleveland Clinic. One of its contracted sites they read for is expanding its services to the State of Nevada and he needs a Nevada license to read for patients in the state.

Dr. Bassewitz moved that the Board grant Dr. Harkey's application for licensure. Dr. Simon seconded the motion, and it passed unanimously.

(c) Logan Paul Marcus, M.D.

Lyn E. Beggs, Esq., was present with Dr. Marcus as his legal counsel.

Dr. Spirtos asked Dr. Marcus 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 explained that Dr. Marcus had previously appeared before the Board on his application for licensure by endorsement and there was discussion regarding timing of licensure and completion of his residency training program. Dr. Marcus had since completed his residency training in occupational medicine.

Dr. Marcus confirmed that he had completed his residency training at the University of Pennsylvania and would be taking the boards this November, but the scores will not be released until March or April. He moved to northern Nevada a year-and-a-half ago to take a position here and he is really excited to start practicing here.

Dr. Frey said he thought he had previously stated that he hoped Dr. Marcus would come back so he could practice in Nevada. He asked Dr. Marcus, in retrospect, whether he thought it was appropriate to grant an unrestricted license to people who are only one-and-a-half years into their residency based on the Nevada Revised Statutes (NRS).

Dr. Marcus said he thought the Board had been prudent in taking measured steps in terms of licensing people who apply in the manner he did.

Dr. Frey asked him whether he thought it was important for the Board to follow the NRS and the restrictions it works under.

Dr. Marcus said he thinks it is incredibly important. He said it is very important that we uphold the clinical standards and maintain the highest standards so we can maintain public trust.

Dr. Frey said he could not agree more and thinks it is also important not to impugn the integrity of the Board for doing its duty under the statutes and the Governor.

Dr. Frey moved that the Board grant Dr. Marcus' application for licensure by endorsement. Dr. Ahsan seconded the motion, and it passed unanimously

(d) Joannes Paulus Bocala Araque, CRT

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

Mr. Farnsworth summarized Mr. Araque's education. He stated Mr. Araque successfully passed his CRT exam in April of 2023 and had held a temporary license in Oregon from August of 2023 to January of 2024. He asked if Mr. Araque was currently licensed in any state.

Mr. Araque said he was not currently licensed and explained the reasons why.

Mr. Farnsworth asked Mr. Araque whether he was currently employed, and Mr. Araque said he was not.

Mr. Farnsworth stated Mr. Araque had undergone substance abuse treatment a couple of times and asked how his journey was going.

Mr. Araque said he was almost 25 years removed from that.

Mr. Farnsworth said there had been multiple attempts by the Board's license specialist to obtain detailed information about the circumstances leading to Mr. Araque's three arrests in 1998, 2000 and 2002. He said the Board has extensive records from probation officers, etc., but no detail surrounding what occurred in those instances from Mr. Araque.

Mr. Araque said he had been as transparent as he could be. He has been almost 25 years removed from that, and he feels as though he has definitely moved on from that chapter in his life. He then described the circumstances surrounding the three arrests.

Mr. Farnsworth said Mr. Araque had been required to register as a sex offender in Washington and asked if he was still required to be registered.

Mr. Araque said he was not; that he had fulfilled all obligations that he was mandated to do in Washington, and he had not had any additional encounters with the law since.

Dr. Frey asked Mr. Araque what he had been doing since April of 2023.

Mr. Araque said maybe three weeks or so after he graduated, he took a job at Vibra Specialty Hospital in Portland and worked there full-time pretty much until he resigned in February.

Mr. Farnsworth stated Mr. Araque had provided numerous letters of recommendation from coworkers, much of which was provided in the addendum provided to the Board that morning.

Mr. Araque said he was in accounting for 15 years before going into respiratory therapy.

Mr. Farnsworth said he recognized Mr. Araque had a pretty rough patch in life when he was 18 years old, and he is of the opinion that Mr. Araque has made amends. The fact that Mr. Araque worked

in the finance industry for 15 years and has had no brushes with the law and the fact that he continues to try to grow and lead an upstanding life is important, and the Board needs to recognize that.

Mr. Farnsworth moved that the Board grant Mr. Araque's application for licensure. Dr. Frey seconded the motion, and it passed unanimously.

(e) Fernando Cunanan Azarcon, M.D.

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

Dr. Frey moved that the Board go into closed session. Dr. Ahsan seconded the motion, and it passed unanimously.

Upon returning to open session, Dr. Simon moved that the Board grant Dr. Azarcon a license by endorsement. Dr. Williams seconded the motion, and it passed unanimously.

(f) Charles Andrew Mick, M.D.

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

Mr. Olivarez moved that the Board go into closed session. Dr. Frey seconded the motion, and it passed unanimously.

Upon returning to open session, Mr. Olivarez moved that the Board grant Dr. Mick's application for licensure. Mr. Wade seconded the motion, and it passed unanimously.

(g) Sergio Arturo Alvarez, M.D.

John A. Hunt, Esq., was present with Dr. Alvarez as his legal counsel.

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

Mr. Hunt said he thinks it is very important that when you are dealing with someone, you know who they are. He said Dr. Alvarez has been practicing medicine for over 10 years. He is a board-certified plastic surgeon, he is a husband, the father of two, and he and his wife are expecting their third child shortly. He has very deep roots in the Mexican community, and he has served that community. Five years ago, there was a tragic event, and one of the things he has always found very impressive about Dr. Alvarez is that he took responsibility, and even though they were having a hearing, he extended condolences to the people that were affected. When you have an incident like this, not a day goes by that you don't think about what you could have done differently that day. He said it is the Board's job to look at Dr. Alvarez' breadth of work and his "book of business." He said Dr. Alvarez is a good man. He goes to Mexico and uses his talents to help people. This was a one-off situation. Dr. Alvarez took responsibility and implemented every remedial measure that was requested. He said he could assure the Board this is not ever going to happen again, and if the Board is satisfied with that, he thinks Dr. Alvarez would be a great addition to our state. Dr. Alvarez is currently practicing without restriction, and he wants to be part of our community.

Dr. Williams summarized Dr. Alvarez' medical education and training and said Dr. Alvarez was board certified in plastic surgery in 2015.

Dr. Williams said it seemed Dr. Alvarez' malpractice cases were all kind of related to doing the BBL. Dr. Williams then summarized the cases of malpractice that had been filed against Dr. Alvarez.

Dr. Alvarez described the circumstances surrounding one of the cases of malpractice that involved an infection and another that involved the death of a patient.

Dr. Alvarez described the circumstances surrounding his license in Florida, being placed on probation for a year and was not to perform the BBL.

Dr. Williams asked in what states Dr. Alvarez was licensed, and Dr. Alvarez said he was licensed in Colorado, Maryland, Texas, Georgia and Florida.

Dr. Williams asked Dr. Alvarez where he was currently practicing, and Dr. Alvarez said he was practicing between Florida and Texas.

Dr. Alvarez said he had been placed on probation by the Board of Plastic Surgery for a year which is now complete. He described the circumstances surrounding suspension of his hospital privileges which have now been reinstated.

Dr. Williams asked Dr. Alvarez what he planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Alvarez said he wants to move to Nevada because he likes the Las Vegas area. He plans to join a group practice and does not plan to continue to practice in multiple states.

Ms. Arias-Petrel said she appreciates Dr. Alvarez' work in Mexico. She said there is a lot of need in the Las Vegas community as well and he can make a difference.

Dr. Williams moved that the Board grant Dr. Alvarez' application for licensure. Mr. Olivarez seconded the motion, and it passed unanimously.

(h) Bradford Alan Kolb, M.D.

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

Dr. Frey moved that the Board go into closed session. Dr. Ahsan seconded the motion, and it passed unanimously.

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

(i) Bryan Kay Monson, M.D.

Dr. Spirtos asked Dr. Monson 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 stated that Dr. Monson was applying for licensure by endorsement and then summarized Dr. Monson's medical education and training. Dr. Ahsan asked Dr. Monson if he was board certified.

Dr. Monson stated he was not board certified. He currently held licenses in Utah and Idaho and previously held licenses in Arizona, Massachusetts and New Mexico.

Dr. Ahsan questioned Dr. Monson regarding his responses to Questions 5 and 6 on his application for licensure.

Dr. Monson described the circumstances surrounding the three cases of malpractice that had been filed against him.

Dr. Ahsan asked Dr. Monson what his scope of practice would be in Nevada, and Dr. Monson described it.

Dr. Frey said it appeared that Dr. Monson's primary practice was in Logan, Utah, and he would commute to northeastern Nevada to serve the Elko and Eureka County need. He asked Dr. Monson if that was his intention, and Dr. Monson said it was.

Dr. Bassewitz asked Dr. Monson if he had sat for the board certification exam, and Dr. Monson said he had sat for the written examination portion twice and did not pass.

Dr. Spirtos asked Dr. Monson if he would be willing to sit for the SPEX, and Dr. Monson said he would.

Mr. Cousineau suggested that the Board table Dr. Monson's application and he could take the SPEX and reappear before the Board after that, if that was acceptable to Dr. Monson, and Dr. Monson indicated it was.

Agenda Item 35

CONSIDERATION OF COST-OF-LIVING INCREASE FOR BOARD STAFF RETROACTIVE TO JULY 1, 2024, TO MATCH THE STATE COST-OF-LIVING INCREASE

Ms. Jenkins explained that in the materials provided was a letter from the Governor, documenting that all State employees were awarded an 11% raise beginning on July 1, 2024. The Board budgeted for a 4% raise based on information available at the time. Those raises took effect on July 1, 2024. Since this matter has come to staff's attention, to remain in lockstep with the State, and in order to continue to improve and sustain retention, we are asking that the Board consider an additional 7% raise for all Board staff, retroactive to July 1, 2024.

Ms. Jenkins stated the projection for the cost of this is approximately \$180,000 for the remainder of the year. She said staff was not proposing an amended budget for 2024 based on the current financials. Also in the materials provided was a Year-To-Date Profit and Loss Budget vs. Actual. The Board was better than budget in personnel expenses as of June 30 by nearly \$275,000 and over budget in total income for the year to date by that same number. Therefore, she thinks the Board's current budget will be positive for this year without an amended budget.

Mr. Farnsworth moved that the Board approve a raise of 7% to match the raise awarded to other State employees. Dr. Ahsan seconded the motion.

Ms. Arias-Petrel stated this comes from the Governor and she is very pleased because we have been talking about this for a while.

Dr. Spirtos said he thinks it is clear the amount of work at the Board has gone up significantly, somewhere between 10% to 15% at a minimum. Staff stability is probably one of the most important things to an organization and the whole team does a great job. Therefore, he was very much in favor of this.

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

Agenda Item 36

CONSIDERATION AND APPROVAL OF PROPOSED 2025 MEETING SCHEDULE

Mr. Cousineau stated the proposed meeting schedule for 2025 was similar to that of previous years, with the March Board meeting in Las Vegas, the June and September Board meetings in Reno and the December Board meeting in Las Vegas. With respect to the Investigative Committee meetings, Dr. Frey will not be available for the February Investigative Committee meeting, but Mr. Wade can take the lead for that meeting and proceed. He said this year, we moved the December Board meeting to the second week in December at the request of Dr. Spirtos. Dr. Spirtos has not indicated that he would like to do that again, but it is something he may desire.

Dr. Bassewitz said he would not be able to attend the June 6 Board meeting.

Dr. Spirtos said he had a small preference for December 12, but it depends on what the Board would like to do.

Dr. Frey moved that the Board approve the proposed 2025 meeting schedule with the date for the December Board meeting changed to December 12. Mr. Wade seconded the motion, and it passed unanimously.

Agenda Item 37

NEW BUSINESS

Dr. Simon said he had previously mentioned the fact that he has been seeing medical students who are telling him they completed their OB/GYN rotation entirely virtually. He asked if there was something the Board could do about it proactively. He said the students he was referring to attended Touro, but he does not know that it is any different anywhere else.

Dr. Frey suggested the Board may be able to send a letter of concern to all accredited medical schools in the State.

Mr. Cousineau said this is something that could be agendaized for a future meeting.

Dr. Spirtos said it could be a discussion on the general topic of medical student expectations.

Dr. Bassewitz asked whether there had been any talk regarding combining the Medical and Osteopathic Boards.

Mr. Cousineau said it is something that comes up every legislative session and to date it has never come to fruition, but there is always the potential and he thinks there is a better chance now with

all the discussion of consolidation of boards and commissions under the Department of Business and Industry. He said if Dr. Simon wanted to put a draft of the letter together, that would be very helpful.

Agenda Item 38

STAFF COMMENTS/UPDATES

Mr. Cousineau said that Dr. Nagy had been termed out at the end of August and a retirement dinner would be held on December 12 in Las Vegas the night before the Board meeting. Dr. Nagy reached out to Ms. Munson and indicated he would potentially like to hold it at the Golden Steer. Mr. Cousineau said staff will look into that, but it may be difficult to find a restaurant with a large room available because it is so close to Christmas. He said staff will let the Board members know as soon as possible.

Ms. Linn provided some statistics regarding the growth in the Board's total licensure base from 2023 to 2024. As of 9/12/23, the Board had a total of 15,294 active-status and inactive-status licensees, and as of 9/12/24, there were 17,881, which represents a 16.9% increase in the Board's total licensure base. As of 9/12/23, there were 14,625 active-status licensees, which includes medical doctors, physician assistants, practitioners of respiratory care, perfusionists and anesthesiologist assistants. As of 9/12/24, there were 17,211, representing a 17.7% increase in the total active-status licensure base.

Agenda Item 39

ELECTION OF OFFICERS AND APPOINTMENT OF INVESTIGATIVE COMMITTEE MEMBERS

Mr. Cousineau said the officers would serve for a one-year term, through the September 2025 Board meeting. He asked for nominations for President. Ms. Arias-Petrel nominated Dr. Spirtos. Mr. Farnsworth seconded the nomination. No additional nominations were received. Dr. Spirtos was elected President by acclamation.

Mr. Cousineau asked for nominations for Vice President. Mr. Wade nominated Dr. Frey. Dr. Ahsan seconded the nomination. No additional nominations were received. Dr. Frey was elected Vice President by acclamation.

Mr. Cousineau asked for nominations for Secretary-Treasurer. Dr. Ahsan nominated Ms. Arias-Petrel. Dr. Frey seconded the nomination. No additional nominations were received. Ms. Arias-Petrel was elected Secretary-Treasurer by acclamation.

Mr. Cousineau stated it was Dr. Spirtos' responsibility to determine the composition of the three investigative committees.

Dr. Spirtos said that Dr. Frey would remain the Chair of Investigative Committee A, with Mr. Wade and Dr. Bassewitz as the other Committee members. Dr. Ahsan would continue as Chair of Investigative Committee B, with Ms. Beal and Dr. Simon as the other Committee members. Investigative Committee C would consist of Dr. Spirtos as Chair and Ms. Arias-Petrel and Dr. Williams as the other Committee members.

Mr. Wade moved that the Board approve the composition of the Investigative Committees. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 40

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 41

ADJOURNMENT

Dr. Frey moved that the Board adjourn. Mr. Farnsworth seconded the motion, and it passed unanimously. The meeting was adjourned at 2:55 p.m.

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