

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
325 E. Warm Springs Road, Suite 225, Las Vegas, Nevada 89119

and Videoconferenced to

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

FRIDAY, MARCH 7, 2025 – 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
Kory Linn, Chief of Licensing
Rosalie Bordelove, J.D., Chief 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 8:02 a.m.

Mr. Cousineau took roll call, and all Board members were present with the exception of Chowdhury H. Ahsan, M.D., Ph.D., FACC, and Irwin B. Simon, M.D., FACS. 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

APPROVAL OF MINUTES

- December 13, 2024 Board Meeting – Open Session

Dr. Frey moved that the Board approve the Minutes of the December 13, 2024 Board Meeting – Open/Closed Sessions. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 4

LEGISLATIVE UPDATE

Ms. Bradley explained there had been two meetings of the Board's Legislative Subcommittee so far, on February 21 and February 28. The Subcommittee had reviewed 12 bills, voted to support 5 of them, and reviewed and approved amendments to AB56, which is a bill that contains language approved by the Board at the December 2024 Board meeting. Six of the remaining bills were tabled because we heard amendments are coming and the Subcommittee wants to review those amendments before taking a position on those bills. A third meeting has been scheduled for March 14 because a lot of bills have dropped that the Subcommittee should review.

Dr. Ahsan joined the meeting at 8:06 a.m.

Michael Sullivan, of the Ferraro Group, the Board's legislative representatives, stated there were 80 days left in the legislative session. He said so far, the session had progressed as we would expect -- bills came out fast and furious and then there was a lull. They are monitoring all the bills very closely. Budget issues and shortfalls are a huge issue, and they are watching that. They are working with the Chair of the Assembly Commerce and Labor Committee on amendments to AB56 and are ready to act on other bills. The Governor's reconciliation bill has not yet been heard but they are working with people on that one, trying to determine what it is going to look like, and the Board will certainly play a role in it. That bill has a long way to go, and they are paying very close attention to it.

Dr. Spirtos stated the Board appreciated Mr. Sullivan's efforts.

Agenda Item 5

CONSIDERATION OF REQUEST OF RONALD H. FOOTE, M.D., FOR BOARD AUTHORIZATION TO TAKE THE SPECIAL PURPOSE EXAMINATION (SPEX)

Dr. Foote summarized his medical training and listed the states where he has held medical licenses, including Nevada. He said he became licensed in Nevada in 1999 and practiced general anesthesia and pain management in southern Nevada for a number of years. He was suspended by the Board in 2010 for substance abuse issues, his license was placed on probation in 2017, and in 2021, the Board revoked his license. He has resolved his legal issues and is asking the Board to sponsor him to take the SPEX because he would like to reapply for a license in Nevada.

Dr. Frey asked whether Dr. Foote was currently participating in a monitoring program.

Dr. Foote stated he was in the Nevada Physicians Health Program and had been since 2005. He had one violation of the program in 2014 but has not had any violations in the past 11 years.

Mr. Farnsworth asked Dr. Foote how his recovery was going, and Dr. Foote said it was going well.

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

Dr. Foote said he planned to attend a program at the University of San Diego where he can undergo a monitorship for two weeks or a month and then he would be ready to practice anesthesiology again. He planned to practice in southern Nevada initially. Later, he may consider going to Washington, D.C., or Michigan.

Dr. Frey moved that the Board grant Dr. Foote's request to sponsor him to take the SPEX. Mr. Wade seconded the motion, and it passed unanimously.

Agenda Item 6

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

Dr. Fulkerson summarized her medical training and practice history. She was licensed in California and practiced in southern California prior to moving to Hong Kong 2011 due to family circumstances. They were in Hong Kong for nine-and-a-half years, and she was unable to practice medicine there.

Dr. Fulkerson said since moving back to the United States in 2020, she had been trying to get a license again in California but was exploring other options as well. She then described what she had been doing since moving back to the United States, which included working with James Greenwald, M.D.

Ms. Arias-Petrel asked Dr. Fulkerson whether she planned to continue working with Dr. Greenwald, and Dr. Fulkerson said she did and that she would stay within her scope of practice in primary care and pediatrics.

Dr. Fulkerson said she had recently completed the PACE program at the University of San Diego and was waiting for the results.

Dr. Frey said he applauded Dr. Fulkerson for her efforts.

Ms. Arias-Petrel concurred with Dr. Frey.

Mr. Wade moved that the Board grant Dr. Fulkerson's request to sponsor her to take the SPEX. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 7

CONSIDERATION OF REQUEST OF RONALD DAVID SMITH, M.D., FOR MODIFICATION OF THE TERMS OF THE PREVIOUSLY ADOPTED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. RONALD DAVID SMITH, M.D., BME CASE NO. 23-31248-1

Mark Chase, Ph.D., MBA, Nevada Professionals Health Program, was present with Dr. Smith.

Dr. Smith explained that his license was placed on probation pursuant to the Settlement Agreement he entered into with the Board in December of 2023, with the agreement that the probation would be lifted when he was discharged from his federal probation. His federal probation was for three years and is due to end on January 5, 2026. Unfortunately, the probationary status on his license is causing a lot of trouble with payers, specifically with Medicaid and Medicare. He works in a pediatric clinic that serves mostly Medicaid patients and the inability to be paneled with managed-care Medicaid plans is placing his ability to remain employed and continue to serve Medicaid patients in southern Nevada in jeopardy. Therefore, he was asking the Board to modify the Settlement Agreement to remove the probationary status from his license. He said he believed once he had served half of his federal probation, it would be an easy path to petition the court to take him off probation and he would have been off probation already. He filed the petition in September, but the judge on the case has yet to rule on it, and his attorney told him there is no obligation for the judge to rule on it at all. He has served 26 months of his federal probation and his medical license has been on probation for 15 months without incident. He is a good pediatrician and would like to continue to serve families in southern Nevada. If the Board is concerned whether he has learned his lesson, over the last 5-1/2 years, he has certainly had enough consequences to be among the most careful and concerned with maintaining practice standards and he will never be in that situation again.

Dr. Frey asked Dr. Smith how the inability for him to serve managed-care Medicaid patients was impacting his day-to-day practice, and Dr. Smith explained that some days he doesn't have much of a day because of that. The understanding was that he would be able to continue in his position as they enrolled him in the managed-care Medicaid plans, but they have received two denials, and the others are still pending.

Dr. Chase stated he had been working with Dr. Smith since 2023, and he has remained in full compliance with the program.

Dr. Frey asked how long the monitoring program was scheduled to last, and Dr. Chase said it would be in June of 2025.

Dr. Frey said he would like to see the monitoring program extended for another year.

Dr. Spirtos concurred with Dr. Frey.

Dr. Smith said he would be happy to do that.

Mr. Farnsworth asked if the Board currently had any licensees who were on federal probation who have full, unrestricted licenses or whether this would be setting a precedent.

Mr. Olivarez said Dr. Smith had indicated in his written request that he would be willing to waive due process in the event there were further issues, and Dr. Smith said that was correct.

Dr. Smith indicated the payers did not have an issue with the federal probation, only the probation on his license.

Discussion ensued regarding whether the Board should lift the probation from Dr. Smith's license and how the Board could require him to extend his monitoring program.

Dr. Frey moved that the Board remove the probationary status from Dr. Smith's license provided the Settlement Agreement can be properly amended to include continued monitoring through the end of June of 2026. Ms. Arias-Petrel seconded the motion, and it passed, with Mr. Farnsworth and Dr. Bassewitz voting against the motion and all other adjudicating Board members voting in favor of the motion.

Agenda Item 8

CONSIDERATION OF REQUEST OF WARREN S. BASILAN, RRT, FOR MODIFICATION OF THE TERMS OF THE PREVIOUSLY ADOPTED 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 not present.

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

Mr. White stated Mr. Basilan had satisfied everything he was required to do under the Settlement Agreement with the exception of completing the Ethics and Boundaries Assessment Services (EBAS) examination. He took the exam but did not pass it. He doesn't have the means at this point to take the exam again and would like to surrender his license to practice respiratory care in Nevada, and no longer practice here, at least for the time being.

Mr. Farnsworth asked whether Mr. Basilan was aware of the ramifications of surrendering his license and that it will be in the national databank.

Mr. White stated that Mr. Basilan did not have legal representation, so he didn't know whether Mr. Basilan was aware of that.

Mr. Olivarez asked whether Mr. Basilan would have the ability to reapply for a license, and Mr. White said he would be able to reapply after the time specified in the amended settlement agreement expires.

Mr. Olivarez asked whether Mr. Basilan would still have to pass the EBAS exam before that, and Mr. White said that would be up to the Board.

Ms. Arias-Petrel moved that the Board accept Mr. Basilan's request to voluntarily surrender his license. Ms. Beal seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 9

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

Dr. Spirtos recused himself from consideration of the matter due to a previous relationship with Dr. Chambers.

Dr. Chambers said when he appeared before the Board last September, he was employed. Between then and December, his employer went bankrupt and closed the practice. From December until January 15, he was unemployed. On January 15, he interviewed for a job and was employed, but it did not take effect until March 3, so he was unemployed all that time even though he had a signed contract. The restrictions on his license prevented him from taking the American Board of OB/Gyn maintenance of certification exam, so he lost his board certification. With that, he lost his hospital privileges. Therefore, he cannot practice one half of his specialty, obstetrics, so the new job he has is limited to gynecology and gynecologic surgery. In the State of Nevada, obstetrics is what makes the money for an OB/Gyn. He was requesting a reprieve to allow him to earn enough to make his payments. He told his attorney he was going to ask for 60 days, and his attorney suggested he request 90 days. Dr. Chambers said he would try to make all the payments by the end of that 90-day period. He has complied with everything else the Board required of him.

Dr. Bassewitz moved that the Board grant Dr. Chambers' request for an extension of time, to May 15, 2025, to pay all fees owed to the Board. Mr. Wade seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 10

CONSIDERATION OF REQUEST OF JON LANE SIEMS, 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. JON LANE SIEMS, M.D., BME CASE NO. 23-13009-1

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

Dr. Simon joined the meeting at 8:52 a.m.

Dr. Siems stated his request was very straightforward. He was requesting a waiver of the fees imposed by the Board at the last meeting.

Ms. Beal asked Dr. Siems whether he had made any payments towards the settlement. Dr. Siems said a fee of \$8,000 was not equitable and doesn't make sense, especially in the context of not working for a year and a half.

Ms. Beal asked Dr. Siems if he had made any payments, and Dr. Siems said he had not made any payments towards the \$8,000.

Dr. Simon asked Dr. Siems whether he had made any payments on anything other than the \$8,000.

Dr. Siems said there were hours of credit that had to be completed, which have been done, and there was a pretty extensive course that had been completed as directed.

Mr. Cousineau stated that no monies had been paid.

Ms. Beal asked Dr. Siems whether he was asking for the fees to be waived or reduced, and Dr. Siems said either one.

Ms. Beal asked Dr. Siems if the fees were to be reduced, what amount he could pay, and he said he could pay a couple of thousand dollars.

Dr. Siems stated he paid \$10,000 to take the course that was required.

Ms. Beal asked how the Board would know that Dr. Siems would pay the fees if they were reduced since he hadn't made any attempt to pay anything thus far.

Dr. Siems said if he doesn't pay the fees, the Board won't release his suspension. He said this has not been ignored. He had approached the Legal Department with regard to this and was told he had the right to appear before the Board with his request.

Dr. Spirtos asked Dr. Siems if he felt he had been adequately heard, and he said that he did.

Ms. Beal moved that the Board deny Dr. Siems' request for modification of the terms of the Findings of Fact, Conclusions of Law, and Order. Mr. Farnsworth seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Dr. Simon left the meeting at 9:02 a.m.

Agenda Item 11

**CONSIDERATION OF REQUEST OF DEVENDRAKUMAR ISHWARBHAI PATEL M.D.,
FOR MODIFICATION OF HIS CURRENT PRECEPTORSHIP AGREEMENT**

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

Ms. Beggs explained that Dr. Patel appeared before the Board last December and the Board granted Dr. Patel a license with the condition that he complete a 12-month preceptorship. The preceptor the Board approved at that time was Dr. Prothro in Reno. For personal reasons, Dr. Prothro had to step

Aside, so Dr. Patel found another physician, Dr. Rillo in Henderson, who is willing to act as his preceptor. The new preceptorship agreement is almost identical to the original preceptorship. The only real change is the identity of the preceptor. Dr. Rillo is board certified by the American Board of Internal Medicine in the subspecialty of cardiovascular disease. Dr. Patel will be driving from Elko, where he lives, to Henderson two days a week to provide services. Dr. Patel is asking the Board to approve the change to Dr. Patel's preceptor from Dr. Prothro to Dr. Rillo.

Dr. Frey asked whether Dr. Prothro had submitted anything to the Board in writing stating his inability to act as Dr. Patel's preceptor.

Ms. Beggs stated that Dr. Patel had never started with Dr. Prothro's office.

Dr. Spirtos asked whether Dr. Rillo would be in the office with Dr. Patel, and Ms. Beggs said that she would.

Dr. Frey moved that the Board grant Dr. Patel's request to be precepted by Dr. Rillo for the duration of his preceptorship. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 12

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. AJUMOBİ CHARLES AGU, M.D., BME CASE NO. 23-12518-1

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

Ms. Bordelove 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.

Mr. Olivarez said Count I, knowing or willful failure to comply with a Board order, was pretty straightforward because Dr. Agu didn't register for the Ethics and Boundaries Assessment Services (EBAS) examination until after it was supposed to be done and he failed it, and the CME was performed late. He said what is a little tricky is the allegation of practicing without a license. The PMP shows prescriptions prescribed well before his license was suspended as well as during the time his license was suspended, which was pretty consistent with the prescribing that had been done all along; however, Dr. Agu claimed that someone else must have been using his prescriptive privileges during the time his license was suspended. Mr. Olivarez said he still thought this was pretty consistent with practicing without a license.

Mr. Farnsworth stated the hearing officer recommended that Dr. Agu be held accountable for the violation of Count I and disciplined as deemed appropriate by the Board and that he also be admonished for the carelessness that led to the pleading of Count II without a finding of a violation.

Mr. Farnsworth moved that the Board adopt the hearing officer's findings and recommendations. Ms. Arias-Petrel seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Ms. Bordelove provided additional procedural instruction regarding the adjudication process.

Mr. Cumings presented the Investigative Committee's recommendations regarding discipline in the matter. Pursuant to NRS 630.352 and NRS 622.400, Dr. Agu shall pay a fine of \$2,500 within 60 days for knowing and willful failure to comply with a Board order. Dr. Agu's license to practice medicine shall be reinstated following successful completion of a physical and mental examination to assess his competence and ability to practice medicine, pursuant to NRS 630.352. Dr. Agu shall pay the Board's costs and fees of prosecuting the matter in the amount of \$5,753.67 within 60 days. Dr. Agu shall receive a public reprimand, and the matter shall be reported to the appropriate authorities as required by law.

Dr. Spirtos asked Dr. Agu whether he wanted to comment on the proposed discipline, and Dr. Agu indicated that he did not.

Mr. Farnsworth asked why the recommendations for discipline did not include Dr. Agu submitting to and passing the EBAS examination that was required under the previous order.

Discussion ensued regarding whether completion of the EBAS examination originally ordered should be included in the discipline to be imposed.

Mr. Cumings explained there was testimony provided by Dr. Agu at the first order to show cause hearing that he is not a native English speaker and was not aware the EBAS examination was an essay exam, so he struggled significantly with that and as a result, failed all five sections. Mr. Cumings said he believes the mental and physical evaluation that is currently contemplated could look at Dr. Agu's ethical guidelines and practices as well and that could be made part of the order.

Mr. Farnsworth moved that the Board accept the Investigative Committee's recommendations for discipline in the matter. Ms. Beal seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Mr. Farnsworth moved that the Board approve the costs as demonstrated in the Memorandum of Costs and Disbursements and Attorneys' Fees in the amount of \$5,753.67, that they be paid within 60 days, and that they are reasonable and appropriate. Ms. Beal seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 13

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. AJUMOBİ CHARLES AGU, M.D.*, BME CASE NO. 23-12518-1, 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

Ms. Arias-Petrel moved that the Board authorize the Board's counsel to defend the Board's findings, conclusions, orders and actions in this matter. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 14

OPEN MEETING LAW TRAINING FOR BOARD MEMBERS

Rosalie Bordelove, J.D., Chief Deputy Attorney General, provided a PowerPoint Presentation on the Nevada Open Meeting Law, including what it is, when it applies and how to comply with it, with a focus on those areas that apply to Board members. She outlined what occurs in the event of a violation of the Open Meeting Law.

Mr. Farnsworth asked if there were any exceptions to the posting requirements for agendas.

Mr. Bordelove said the only exception is for emergency meetings, where there is an immediate threat to the health and safety of the public.

Discussion ensued regarding removal of a person who is willfully disrupting a meeting.

Dr. Spirtos asked whether the Board is required to provide translator services for someone who wants to provide public comment.

Ms. Bordelove said the Open Meeting Law would apply if it was for a disability; however, there is a reasonableness standard. If the Board has no notice somebody is going to come that is hearing impaired and they show up and want a hearing interpreter, the Board can't produce one out of nowhere and is not required to cancel the meeting or reschedule. However, if someone requests an interpreter ahead of time, then it's a reasonableness standard as to whether one can be hired in time, and the fact there may be a cost associated does not make it unreasonable. Any disability accommodation would be on a case-by-case basis as to what is necessary. If the request is for a language barrier, those interpreters would fall under other laws, not necessarily the Open Meeting Law, and would probably require that a request be made in advance as well.

Agenda Item 15

REPORTS

(a) Investigative Committees

Dr. Frey reported that at its February 21, 2025 meeting, Investigative Committee A considered 62 cases. Of those, the Committee authorized the filing of a formal complaint in 1 case, sent 7 cases out for peer review, requested an appearance in 2 cases, referred 1 case back to investigative staff for further investigation or follow-up, reviewed 2 cases for compliance, and recommended closure of a total of 44 cases. He thanked his fellow committee members for operating the meeting in his absence.

Dr. Ahsan reported that at its February 5, 2025 meeting, Investigative Committee B considered 45 cases. Of those, the Committee authorized the filing of a formal complaint in 3 cases, sent 5 cases out for peer review, requested an appearance in 1 case, issued 7 letters of concern, referred 1 case back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 28 cases.

Dr. Spirtos reported that at its February 6, 2025 meeting, Investigative Committee C considered 31 cases. Of those, the Committee authorized the filing of a formal complaint in 1 case, sent 5 cases out for peer review, requested an appearance in 1 case, issued 3 letters of concern, referred no cases back to investigative staff for further investigation or follow-up, reviewed no cases for compliance, and recommended closure of a total of 21 cases. Dr. Spirtos said he thinks the presence of the third

Investigative Committee has eased the overall burden that was previously on the other two Investigative Committees and has improved the process overall.

(b) Perfusionist Advisory Committee

Perfusionist Advisory Committee Member Daniel Rodriguez, MHS, CCP, FPP, said they would like to see the ability for those students who have completed the academic portion of their programs but don't yet have a license to obtain a provisional license to allow them to practice under a licensed perfusionist in order to satisfy their clinical hours requirement, so they then qualify for a full license.

Dr. Frey asked Mr. Rodriguez whether he had any model legislation from other states that offer a provisional license.

Mr. Rodriguez said it is not written as such in other states, but what is written into the statutory language in Nevada is the only people who can practice perfusion are either licensed perfusionists or provisional. These are students. He knows some hospitals are ready, willing and able to grant them ability to train, but they don't want to proceed in violation of the statutory language.

Mr. Farnsworth asked if what Mr. Rodriguez was alluding to was something similar to an internship, and Mr. Rodriguez stated that was correct.

Mr. Farnsworth suggested there might be an exception in NRS 630.047 that may apply.

Ms. Contine stated that specific section was applicable to respiratory therapists, but she could look into that and get back with Mr. Rodriguez.

Mr. Cousineau said if that statute is applicable to perfusionists, it would not require a legislative change, but if it doesn't apply, it would require a legislative change.

Dr. Spirtos asked Mr. Rodriguez to put his request in writing.

Mr. Cousineau said to direct the request to him, and he would forward it to Ms. Contine for review.

Ms. Arias-Petrel asked Mr. Rodriguez to include the names of the facilities that are willing to take on these students.

Dr. Frey asked if this was something that was pressing, and Mr. Rodriguez said it was not, but it is something they would like to see happen in order to increase recruitment to the state.

Ms. Bradley stated AB319 includes language regarding students in a perfusion program, and the Board is adding an exemption for that into NRS 630.047 because they are not in there currently. She said she would send a copy of the bill to Mr. Rodriguez.

(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) Nevada Academy of Physician Assistants

Mr. Olivarez stated that Brian S. Lauf, DMSc, MPAS, PA-C, DFAAPA, President of the Nevada Academy of Physician Assistants (NAPA), was unable to attend the meeting but had forwarded to him the information he wanted to present to the Board. Mr. Lauf wanted to alert the Board of a bill, SB294, that is attempting to establish a pathway to amend physician supervision of physician assistants. He recognizes it is a very lengthy bill, and they are looking for ways to remove some of the areas that could be bothersome. The goal there is to align PA practice in Nevada more in line with nurse practitioners because it's becoming difficult in some arenas for PAs to become employed because it is more beneficial for some places to hire a nurse practitioner rather than a PA because of the supervisory requirements.

Mr. Olivarez said this is not something Mr. Lauf brought forth, but on his own he was thinking the physician members on the Board who employ PAs probably recognize that. He said this is something that has come to his attention from other people. There are certain entities that are moving towards hiring nurse practitioners rather than PAs because of the supervisory requirements. He said they don't want to change how PAs practice or their scope of practice, it is more to make it easier for them to be supervised. He thinks the current supervisory requirements are kind of onerous on physicians and that is why some places are moving away from hiring PAs and hiring nurse practitioners.

Discussion ensued regarding the scope of practice of nurse practitioners and the fact there are no clear guidelines for their practices in inpatient and outpatient settings.

Dr. Frey said he thinks trying to legislatively create independence on the par with nurse practitioners may be the wrong step. The right step would be a national discussion for PAs to elevate how they certify themselves. Dr. Frey said he had encouraged Mr. Lauf to reach out to the Board prior to the introduction of any legislation, so this comes as a surprise, based on previous discussions regarding independence during the last legislative session. A collaborate discussion is always better.

Agenda Item 16

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAVID MICHAEL ROSS, M.D., BME CASE NO. 24-8629-1

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

Mr. Cumings stated a formal Complaint had been filed against Dr. Ross 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. Dr. Bassewitz seconded the motion.

Dr. Spirtos stated the charge of malpractice was dropped.

Dr. Bassewitz stated Dr. Ross performed the anesthetic, not the injection. The issue with injections of propofol for sedation is heavily debated in the community. The ones he works with don't use it very often, but there are plenty of them that do and there are patients that require it. This was a bad outcome by the interventionalist, and he thinks it is a fair settlement.

A vote was taken on 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. CAROLYN ANNE MATZINGER, M.D., BME CASE NO. 24-25231-1

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

Mr. White stated a formal Complaint had been filed against Dr. Matzinger alleging 44 violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Dr. Bassewitz asked why malpractice was dropped and why the failure to maintain standards is not considered malpractice.

Mr. White said the settlement had been contemplated carefully.

Ms. Contine explained the Board has a provision that says if you violate the Board's regulations, it is a violation of the standards of practice. It's just a difference between having something in the statutes and having something in the regulations.

Dr. Williams asked with the settlement, whether Dr. Matzinger would be allowed to continue to do what she had been doing with the enemas and the drips – whether she would be allowed to continue that type of practice.

Mr. White said she would, but that she understands now she would have to have very carefully worded informed consents with those types of treatments – as with any kind of experimental medicine such as that – but he doesn't think she is doing any of those things anymore.

Dr. Spirtos said he has a problem with putting out to a patient that there is any therapeutic benefit to 50 colonics for treatment of any cancer, whether with consent or not. What he is hearing is that she can continue to treat patients in this manner, but wouldn't necessarily say it was to treat cancer, which is problematic to him.

Mr. Farnsworth said he questions whether this Settlement Agreement protects the public and is enough to prevent what occurred in this case from occurring again.

Dr. Bassewitz said the website shows those therapies are still available.

Dr. Frey said a cease and desist should have been included in the Settlement Agreement.

Dr. Williams concurred and said the Settlement Agreement should require that she not continue to perform these types of treatments.

Mr. Cousineau stated that since no motion had been made with regard to the proposed Settlement Agreement, it was deemed rejected.

Agenda Item 18

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. FRANK JOSEPH DE LEE, M.D., BME CASE NO. 24-6109-1

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

Ms. Bradley stated a formal Complaint had been filed against Dr. De Lee alleging six 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 19

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SCOTT THOMAS GABRIEL, M.D., BME CASE NO. 24-30804-1

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

Mr. Shogren stated a formal Complaint had been filed against Dr. Gabriel 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. Farnsworth 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. SAMIR HADI, M.D., BME CASE NO. 24-49326-1

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

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

Mr. Farnsworth 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 21

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KALYAN CHAKRAVARTHY TATINENY, M.D., BME CASE NO. 24-40992-1

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

Mr. Shogren stated a formal Complaint had been filed against Dr. Tatineny 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. Mr. Olivarez seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

CONSIDERATION OF REQUEST FOR APPROVAL OF THE AMERICAN ACADEMY OF FAMILY PHYSICIANS AS A PROVIDER OF CONTINUING MEDICAL EDUCATION

Tim Grunert, M.D., MPH, stated he is a family medicine physician in the Reno/Sparks area through Renown and an educator through the Family Medicine Department at the University of Nevada, Reno, School of Medicine. He said he was speaking as a representative of the American Academy of Family Physicians (AAFP) and the Nevada Academy of Family Physicians (NAFP), and they were requesting that the State Code be modified to accurately reflect AAFP as an accreditor for continuing medical education (CME) activities. Current Nevada law only specifies Category 1 or equivalent credit, and this is an inadequate identification of all the appropriate CME sources for physicians. There are only three types of credit for physicians in the United States. There is the AAFP, the American Medical Association (AMA) and the American Osteopathic Association (AOA). The AAFP national credit and accreditation system is similar to the AOA in that neither have a relationship with the Accreditation Counsel for Continuing Medical Education (ACCME), who credentials AMA Category 1. The AAFP is unique in that it has two separate roles regarding CME. In addition to its role as a national accreditor and credit system, it also is a CME provider whose courses are accredited by the ACCME. This has been confused in other states where the role of AAFP is misunderstood, and they fail to identify AAFP as an accreditor and credit system separate from its role as a CME provider. AAFP maintains a strict firewall through those two roles, which prevents AAFP from sharing any of its credit system customer data with AAFP as a CME provider. The reason that is important is the accreditor and credit system is legally unable to share any of that information with the AAFP CME provider system, meaning that none of that information is directly shared with the ACCME or the AMA. Therefore, there is no overlap between AAFP accredited CME and the ACCME or AMA Category 1 CME. The omission of specifying each of the three CME credit systems has the potential to create a disservice to all parties involved. Considering the direction other states are taking to automate CME processes, there are new vendors coming to provide this service in those other states and they are rightfully basing their credit acceptance in each state as written in that state's law or code. Again, Nevada Code only specifies AMA Category 1 or equivalent credit, and this fails to adequately identify AAFP or AOA credits specifically. In total, AAFP has 213 members with Nevada licenses who in the past 5 years have gained 72,500 AAFP credits. Allopathic physicians account for 188 of those members and 62,600 of those credits and osteopathic physicians account for 24 of those members and 9,700 of those credits. It would be a massive detriment to physicians and patients in Nevada if their primary care providers were no longer board or state license eligible if their CME credits were to be rescinded.

Dr. Frey asked if this is a problem for licensees who are using this CME pathway. He said he doesn't think anyone is losing their license or accreditation and asked if we are solving the right problem.

Dr. Grunert explained that right now, a change would not do anything different, but not changing it opens up the potential for a problem if a vendor system were to come in and the state law or code did not specifically list AAFP.

Dr. Frey asked Dr. Grunert whether he had proposed language for a regulatory change, and Dr. Grunert said he had shared that with Ms. Bradley.

Ms. Bradley said if the Board grants Dr. Grunert's request, the process would be to update the regulation to allow this as well and we would proceed after June because July 1 is when we can start making regulations again.

Mr. Cousineau said the Board did not need to vote on this and the matter would be placed on the agenda for the Board's consideration at a future Board meeting.

Agenda Item 23

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that from December 12, 2024, through March 5, 2025, the Investigations Division received a total of 279 complaints. Of those, 90 cases were opened as formal investigations, 88 were not within the Board's jurisdiction, 57 were referred to other agencies and regulatory bodies, 23 were resolved through proactive measures, and 11 were either still pending review or were duplicate complaints. There was a total of 31 peer reviews, 10 of which had been assigned and 21 of which were pending assignment to a peer reviewer. The total case count was 279, for an average of 35 cases per 8 investigators, which includes 3 supervisors. There were 20 licensees in compliance or diversion.

Dr. Spirtos thanked Mr. Diaz for doing a great job.

(b) Quarterly Compliance Report

Ms. Jenkins reported that for the fourth quarter of 2024, there were two files in collection for a total of \$37,213. The total costs and fines outstanding were \$254,265. Total costs collected during the quarter were \$48,891 and total fines collected were \$45,326.

Dr. Spirtos asked how the amounts of costs and fines collected compared with previous quarters.

Ms. Jenkins explained that it varies according to the caseload, but both the costs and fines have remained consistent.

Dr. Spirtos asked if Ms. Jenkins could provide the total of fines collected for the year, and Ms. Jenkins said she would provide that number at the next Board meeting.

(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 December 31, 2024. The total current assets were \$7,744,600 and the total assets were \$13,565,000. The total current liabilities were \$3,863,900, with total liabilities and net position of \$13,565,000. The year-to-date addition to net income or net position of the Board was rounded to \$985,800.

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 10.6% above budget. In the expense section, the personnel expense was over budget by 13.5%. She asked the Board to note that the total for the year to date was at 98% of budget before the adjustments for post-retirement benefits. Total operating expenses were 99% of budget. The interest income for the quarter was \$43,748. The reduction to net position for the quarter was rounded to \$53,194 and the reserves of the Board were at 6.7 months.

Ms. Arias-Petrel thanked Ms. Jenkins for meeting with her, as Secretary-Treasurer, and the Chair to go over the finances and said they appreciate all the hard work that goes into this.

Dr. Spirtos said he echoed Ms. Arias-Petrel's sentiments.

(d) Legal Division Report

Ms. Contine reported the Legal Division had a current total case count of 108 cases. Of those cases, the Division had filed on 75 of them and there were 33 that were in the queue to be filed. The Division filed 8 complaints this quarter, prepared 5 orders, conducted 3 formal hearings, with 10 total case resolutions.

Dr. Spirtos asked if the Division was behind in terms of the timeline for filing cases.

Ms. Contine said she didn't think they were behind. She thinks of the 75, there are some larger cases that might have multiple complaints and may take a little bit longer because of their coordination, witnesses, and all of that. The hearing officers set their timeline in terms of when hearings are held and when cases go forward.

Dr. Spirtos said it would be nice for the Board members to have statistics when comments are made that we are behind.

Ms. Contine explained that they have 75 cases that have been filed and that means 75 cases have to be set for hearing. We are running into a situation where you look at a month on the calendar to schedule for the hearing room and there may not be very many days in that month to put something on the calendar. Those cases may resolve and settle, but they can't be taken off the calendar until they do. She has a goal for the organization to try to have a case set for hearing within 120 days of the early case conference. However, that is not always possible because the statute says the hearing must be set at the earliest possible time that is convenient for everybody. We are always trying to move our cases along, but sometimes there are reasons beyond our control that they are pushed out. Those are some of the constraints we have to work through, but she feels the Division is moving at a swift pace.

Dr. Frey said he thought what Dr. Spirtos was alluding to was that it would be good to have something in writing to show what the Board is doing to protect the public. A consideration would be to develop a performance dashboard that includes categories such as licensing, legal and investigations. He thinks it would be highly beneficial to the members of the Board when interfacing with the general public and legislators.

Dr. Spirtos asked Ms. Contine to let Board members know if there is anything they can do to make things better, smoother or more efficient.

Agenda Item 24

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the December 13, 2024 Board Meeting

Dr. Frey moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the December 13, 2024 Board Meeting. Ms. Beal seconded the motion, and it passed unanimously.

Ms. Arias-Petrel said a total of 553 new licenses were issued and thanked the staff for all their hard work in processing all these licenses in a very timely manner.

Dr. Spirtos thanked the licensing staff for their remarkable efforts.

Mr. Wade stated that is huge number of licenses and asked Ms. Linn where she thinks the Board is with respect to licensing timelines.

Ms. Linn said she would have a report for the Board during the staff comments agenda item, but she thinks we are doing well. The Board is coming into resident season and renewals, and we are probably going to see a little bit of a lull in issuance of unrestricted licenses because a lot of people opt to wait until July 1 to get those issued so they don't have to turn around and renew right after they get them issued. So, it will fluctuate a little bit and then it will pick way up in July.

Mr. Farnsworth said he is so impressed with the level of professionalism that Ms. Linn and her team demonstrate. Before he joined the Board, the licensure timeline for a respiratory therapist was roughly six months and it has improved remarkably. He said Ms. Linn notified him the other day that the Board pushed a license through in about eight days. He said that is so remarkable and such a huge accomplishment, and he wanted to thank the staff.

Dr. Bassewitz said he also wanted to congratulate the staff on a great job. He said unfortunately, there is still a misperception in the media and sometimes comments are said that are just unfounded and he thinks we need to do a better job of advertising the reality.

Dr. Spirtos said it would be nice to have a running log in the newsletter showing average licensing timelines.

Dr. Bassewitz concurred that metrics would be helpful.

Agenda Item 25

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Michael Lee Brooks, M.D.

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

Dr. Brooks summarized his medical education and training, as well as his practice history.

Dr. Bassewitz questioned Dr. Brooks regarding the fact that he did not disclose two cases of malpractice that had been filed against him on his application for licensure.

Dr. Brooks stated that he took complete responsibility for the oversight and explained one case had settled essentially before he knew anything about it, and he had been dropped from the other case.

Dr. Bassewitz moved that the Board grant Dr. Brooks' application for licensure. Dr. Frey seconded the motion, and it passed unanimously.

(b) Carlos Alberto Suescun, M.D.

Dr. Spirtos asked Dr. Suescun 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 summarized Dr. Suescun's medical education and training, as well as his practice history.

Dr. Ahsan questioned Dr. Suescun regarding the disciplinary action taken against his license by the Arizona Medical Board.

Dr. Suescun explained the circumstances surrounding being placed on probation by the Arizona Medical Board for unprofessional behavior. He said he completed his probation two years ago and all of that is behind him.

Dr. Ahsan questioned Dr. Suescun whether he had applied for a medical license in Nevada previously.

Dr. Suescun stated he had applied previously but he did not have his internal medicine board certification at the time, so withdrew his application, took the exam, passed it and reapplied because he was advised by his license specialist that would be best. He recertified last year.

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

Dr. Suescun said he has a medical practice in Arizona and wants to duplicate that in Las Vegas. Most of his time is spent counseling patients regarding nutrition, as well as maintaining a healthy lifestyle.

Dr. Suescun said he holds active licenses in Colorado, Utah and Montana. He is also considering providing services in Salt Lake City and Denver, so he will be splitting his time between the different states.

Dr. Spirtos questioned Dr. Suescun regarding his affirmative response to Question 7 on his application for licensure.

Dr. Suescun described the circumstances surrounding his arrest for domestic violence in 2019 and stated the charges were subsequently all withdrawn.

Dr. Frey said it appeared that Dr. Suescun chose sobriety following that event, and Dr. Suescun confirmed that was the case. He said he also attended therapy with both a psychologist and a psychiatrist.

Ms. Arias-Petrel asked Dr. Suescun whether he planned to open offices in the various states and would have staff in each of those locations.

Dr. Suescun said he did, but he planned to perform all of the consulting and medical work himself.

Dr. Spirtos asked Dr. Suescun whether there would be another physician who could see any patients who had complications or problems when he was out of town.

Dr. Suescun stated he would not have a second physician, but he is always available, and if he needed to see a patient, he could be here in a few hours. If there was an emergency, he would refer the patient to an emergency room.

Ms. Arias-Petrel said she shared Dr. Spirtos' concern that Dr. Suescun does not have a backup physician.

Dr. Ahsan moved that the Board grant Dr. Suescun's application for licensure. Dr. Frey seconded the motion, and it passed, with Dr. Spirtos and Ms. Arias-Petrel voting against the motion and all other Board members voting in favor of the motion.

Dr. Ahsan left the meeting at 12:50 p.m.

(c) Joseph S. Guarisco, M.D.

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

Dr. Guarisco summarized his medical training and practice history and said he was not currently board certified. He had done remote paramedical work and is now a contractor who provides medical services around the world for SpaceX, Tesla, New Origin, NASA, etc. He provides staff wherever people need the type of medical services he provides. He hasn't had any issues in the six years he has been providing these services. He holds licenses in 25 states but does not actually practice in any of these states. He oversees the onsite medical care. Currently, they only have one site in Nevada, in Winnemucca, but they haven't yet met all the state regulations to set up medical services there.

Dr. Spirtos asked Dr. Guarisco if he could explain the confusion on LSU's part in terms of the accreditation of his residency program.

Dr. Guarisco said it was a two-year program and maybe because it was a new specialty, perhaps the program was not accredited at that time.

Dr. Spirtos asked Dr. Guarisco why he thought he had trouble with the Special Purpose Examination (SPEX), and Dr. Guarisco explained that most of the questions were not related to what he does, especially after all these years.

Dr. Frey moved that the Board grant Dr. Guarisco's application for licensure by endorsement given his particularly unique set of skills. Ms. Beal seconded the motion, and it passed unanimously.

(d) James Thorolf Peveler, M.D.

This matter was not discussed at the meeting.

(e) Jeffrey Howard Kesten, M.D.

Mark Chase, Ph.D., MBA, Nevada Professionals Health Program, was present with Dr. Kesten.

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

Dr. Kesten provided a summary of his medical education and training and stated he is board certified in Physical Medicine and Rehabilitation. He said he last practiced clinical medicine in October 2020.

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

Dr. Kesten described the circumstances surrounding his conviction for conspiracy to receive illegal kickbacks and bribes and his arrest for being a fugitive from justice, the latter of which was an incorrect charge and was subsequently expunged. He said he was currently on probation, which will be completed in June 2026, but he is in the process of applying to have the probation completed early.

Mr. Wade asked Dr. Kesten if he held a license in any other state. Dr. Kesten stated he voluntarily surrendered his license in Colorado when he left the state and had not held any other licenses.

Mr. Wade said Dr. Kesten had attempted extensively to find a preceptorship and that he applauded Dr. Kesten's efforts in that regard. He asked Dr. Kesten whether he had been successful in finding a preceptor.

Dr. Kesten explained he had not been successful finding a preceptor in physical medicine and rehabilitation, so he was before the Board that day to request approval to find a preceptor in addiction medicine.

Mr. Wade asked Dr. Kesten what his future practice plans would be in the event he was granted a license to practice medicine in the State of Nevada.

Dr. Kesten said that would depend upon the opportunities available; however, he has significant expertise in both inpatient and outpatient settings and would be perfectly comfortable in either of those environments.

Dr. Spirtos stated that at a minimum, the Board was looking for a preceptorship plan, and the fact that Dr. Kesten was still on probation was another consideration.

Dr. Frey stated if Dr. Kesten could find a preceptorship within his scope and training, the Board would be "all ears."

Dr. Chase said the reason he was involved was because some people had reached out to him and asked him to give Dr. Kesten a hand to the best of his ability. He explained he knows a lot of doctors and reached out to a lot of people, but there was a lot of hesitation because Dr. Kesten was not licensed yet. He said Dr. Kesten has a subspecialty of addiction medicine and has quite a bit of experience in addiction medicine and he believes it will be a lot more possible for Dr. Kesten to obtain a preceptorship in addiction medicine.

Mr. Cousineau stated that when Dr. Kesten returns to the Board, he should have a preceptorship plan in his scope of practice in place and that it would also be beneficial for Dr. Kesten to wait until his probation is complete. He suggested that Dr. Kesten could contact the medical associations to see if they may be able to assist him in some way.

(f) Parvez Mehboob Fatteh, M.D.

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

Dr. Frey stated that Dr. Fatteh is board certified in physical medicine and rehabilitation and recertified in January of last year.

Dr. Frey stated Dr. Fatteh was before the Board because of two main events in his past. Dr. Fatteh was part owner of a medical practice that wasn't keeping up with the requirements regarding supervision of physical therapists over the course of several years. This resulted in a substantial fine of \$400,000. Second, there was a matter in Orange County where Dr. Fatteh was an employee of a company that was investigated for workers' compensation fraud. There was a plea agreement, which was ultimately expunged, but it resulted in the Medical Board of California taking action, placing him on a five-year probation, requiring 80 hours of community service, which he completed, and completion of a medical records course. He was also excluded from submitting Worker's Compensation claims during his probation and excluded from DHHS programs for three years. He was reinstated in May of 2024.

Dr. Frey said Dr. Fatteh had applied to have his probationary period lifted early, which was denied, and asked Dr. Fatteh to explain that.

Dr. Fatteh described the circumstances surrounding the denial.

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

Dr. Fatteh said he planned to practice obesity medicine via telemedicine through Mochi Health and addiction medicine via telemedicine through Bicycle Health. Dr. Fatteh described the medications that he would be using. He said he will be an employee of Bicycle Health and an independent contractor with Mochi Health, and he will not be submitting any Workers' Compensation billing in compliance with the terms of his probation in California.

Dr. Frey said the Board was looking for reassurance that the events that occurred in the past will not occur in Nevada and what measures are in place with either of the companies or both to make sure that doesn't happen.

Dr. Fatteh said he would be abstaining from any practice ownership with either. He has written correspondence from both companies to the Medical Board of California documenting that he is not involved in billing and submitting claims. He has already advanced to a management position with Bicycle Health, so they have found him to have the trustworthiness to take on that position as a clinical team lead. He is under the purview of the regional medical director who recommended him for that advancement a year ago. He is entirely beholden to the large corporation in upholding the standards they have.

Dr. Bassewitz asked Dr. Fatteh about his probationary status in California, and Dr. Fatteh said his probation would conclude in March of 2026.

Dr. Spirtos said if the Board moved forward to a vote at that time and there was a negative outcome, it would be a reportable event. He said Dr. Fatteh had the option to withdraw his application at that time, complete his probation, and reapply.

Mr. Cousineau said he thought the consensus was that Dr. Fatteh should resolve the issues in California and once they are resolved, consider coming back to Nevada. He would still have to address the same type of questions that he was asked that day, but it would certainly be a benefit to his advocacy for obtaining licensure. If his application was denied, it would be reportable. If he withdrew his application, that would not be reportable.

Dr. Fatteh said he was withdrawing his application.

(g) Thomas Owen McNamara, M.D.

This matter was not discussed at the meeting.

Agenda Item 26

NEW BUSINESS

No matters were requested to be included on a future Board meeting agenda.

Agenda Item 27

STAFF COMMENTS/UPDATES

Mr. Cousineau said he wanted to remind the Board members of the Federation of State Medical Boards' annual meeting in Seattle April 23 through 27. So far, four Board members and several staff would be attending. He said Mr. Farnsworth had previously mentioned an interest in receiving the information the Board has been sending out to physicians on behalf of the Nevada Physician Wellness Coalition and that the monthly listservs are now going out to all licensees. He asked Mr. Farnsworth to let staff know if there was any related information he would like us to advance to the Board's licensees.

Ms. Linn said she wanted to provide the Board with some updated licensing numbers. As of March 4, 2025, the total number of active licensees was 18,265. Of those, 13,761 are medical doctors, 567 hold limited licenses for training, 2,090 are respiratory therapists, 1,742 are physician assistants, 100 are perfusionists and 5 are anesthesiologist assistants. From January 1 through December 31, 2024, the Board issued 2,002 unrestricted medical doctor (M.D.) licenses, which represents a 19% increase over 2023. The number of traditional, non-Compact M.D. licenses issued in 2023 was 848 and the total in 2024 was 963, which was a 14% increase. In 2024, Compact licenses represented 51.8% of the unrestricted licenses issued to M.D.s, which was a 24% increase over 2023. The number of physician assistant licenses issued in 2024 was 217, which was a 24% increase over 2023; the number of respiratory therapist licenses issued was 169, which was a 2% increase over 2023. The Board also issued 6 perfusionist licenses and 5 anesthesiologist assistant licenses, as well as 226 limited licenses for residency training with 361 limited licenses renewed. The average licensing time for M.D. unrestricted licenses, not including those issued through the Compact, was 80 days, with the fastest issued in 14 days. The average licensing time for physician assistant licenses was 64 days, with the fastest issued in 13 days. The average licensing time for respiratory therapist licenses was 70 days, with the fastest issued in 8 days. The average licensing time for perfusionist licenses was 38 days, with the fastest issued in 29 days, and the average licensing time for anesthesiologist assistants was 46 days, with the fastest issued in 13 days.

Dr. Spirtos asked what the average licensing time was for M.D. licenses issued including those issued through the Compact, and Ms. Linn stated it was 39 days.

Ms. Arias-Petrel asked whether Board members could receive regular reports with licensing numbers so they would have those readily available when meeting with people in the community.

Dr. Frey suggested this would be a good thing to include in the Board's newsletters, as it would summarize the great work this Board is doing and would alleviate a lot of statewide concerns about various aspects of the Board.

Mr. Farnsworth said he likes to take a long view of things and Compact licensure is very important for our State and not just for physicians. The Respiratory Care Interstate Compact is gaining a

lot of momentum. Washington was the first state to introduce legislation and Montana, Ohio, Iowa, Wisconsin, Idaho and Nebraska are all actively doing this work right now. He recognizes we are not going to do that this legislative cycle, but he would be very interested to see if this is something we can engage in and pursue during the next legislative cycle. Hearing the Compact creates approximately a 50% reduction in licensing time for an M.D. is extremely intriguing to him, and he would like to see if that could happen with respiratory therapists.

Mr. Diaz wanted the Board to be aware of the scam that has been going on for the last two or three years. Staff has posted it on the Board's website and would like the Board members to read it, print it out and disseminate it. Unfortunately, a physician lost quite a bit of money last week through this scam. They are calling through "ghosting" of actual phone numbers for our Board, the Pharmacy Board, the Dental Board and the Osteopathic Board. A lot of it is from overseas and the FBI has been notified. He said we may have to remove the information from the website during the renewal period.

Agenda Item 28

PUBLIC COMMENT

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

Jacqueline Nguyen, J.D., Policy Director for the Nevada State Medical Association (NSMA), said she wanted to report that NSMA's current focus was on membership, specifically getting 100% from students in Nevada. She said she wanted to thank the Board for its collaboration with NSMA. NSMA knows the Board is charged with protecting the public and NSMA is committed to advocating for patients to ensure they receive the highest level of care. NSMA thinks hand in hand with high quality of care is education and training. Therefore, NSMA echoes the comments made earlier and they value all members of the health care team. She is in Carson City every week and thinks one of our collaborative efforts should be to educate legislators and the public about the differences in education and clinical training for physicians, physician assistants, nurses, pharmacists and other providers. The education isn't done to gatekeep the profession, but rather to help everyone understand the scope of practice of each provider type and how to best work together collaboratively. NSMA hopes that while we are all working to address health care workforce shortage issues in the state, that we keep patient safety in mind as the top priority.

Dr. Spirtos asked about the current membership in NSMA, and Ms. Nguyen said she would have to get back to him on that, but the ballpark figure would be a couple of thousand.

R. J. Ford said the Board is supposed to protect the public and hasn't properly represented him. He has all the evidence showing he was damaged and the Board refuses to recognize that and asked why.

Dr. Frey said Mr. Ford has made multiple visits asking the same thing.

Mr. Ford said the Board needed to review the case again because all the evidence is right in front of them.

Dr. Williams said the Board had told him the best thing to do would be to get an attorney and the attorney can proceed with due process.

Mr. Ford said he wanted to know who decided this wasn't a medical malpractice case with all the damage done to his body.

Dr. Williams said there is a process to take care of his problem, that is not really with the Board, but is more within the judicial system.

Dr. Spirtos said the Board has a very narrow scope regarding what it does and what the Board does has nothing to do with his ability to bring a case through the courts and seek damages.

Mr. Ford said he feels his civil rights have been violated by the Board.

Dr. Spirtos said if Mr. Ford feels that way, again, he would encourage him to get an attorney. It is his right to do so if he feels any of his rights have been violated. Dr. Spirtos said he feels in the time the Board has seen Mr. Ford and talked to him, it has done everything it could to listen and go over his case with him.

Dr. Frey said the Board was trying to send Mr. Ford in the right direction, and that is to gain civil representation for a civil suit and pursue that.

Mr. Ford stated this was not the end and he was not giving up.

Agenda Item 29

ADJOURNMENT

Dr. Williams moved that the Board adjourn. Ms. Beal seconded the motion, and it passed unanimously. The meeting was adjourned at 2:07 p.m.

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