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

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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, JUNE 6, 2025 – 8:30 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

Board Members Absent
Hugh L. Bassewitz, M.D., FAAOS

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 8:32 a.m.

Mr. Cousineau took roll call. Board members not present were Chowdhury H. Ahsan, M.D., Ph.D., FACC, Irwin B. Simon, M.D., FACS, and Hugh L. Bassewitz, M.D., FAAOS. 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.

James Murphy, M.D., said he was seeking some clarification from the Board regarding reports to the National Practitioner Data Bank (NPDB) for reentry physicians. He said the Board submitted a report to the NPDB regarding him a year ago which is listed by the NPDB as an adverse action. He said he had communicated with Ms. Bradley regarding this and thought his attorney had submitted some kind of comment to the Board. He said he wasn't aware the Board was going to submit a report to the NPDB and thinks someone should be afforded some due process before an adverse entry is made to the NPDB. He said when he received his license in Nevada, he agreed to do a preceptorship, and he is complying with that; however, he can't get hospital privileges and has been told it has something to do with the NPDB Report. He said he would like the Board to consider standardizing reentry and address why NPDB entries are being made without the licensee being informed.

Mr. Cousineau said he was aware that Dr. Murphy had been corresponding with Ms. Bradley and had seen the correspondence. He stated Dr. Murphy has a conditional license and he agreed to that when he received his license, which is reflected in the minutes. If Dr. Murphy would like to discuss it further, he may again engage with Ms. Bradley; however, public comment is not an opportunity for a back-and-forth. He said the Board appreciates his concerns, but everything the Board had done to date was consistent with federal law.

Agenda Item 3
APPROVAL OF MINUTES
- March 7, 2025 Board Meeting – Open Session

Dr. Frey moved that the Board approve the Minutes of the March 7, 2025 Board Meeting – Open Session. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 4
LEGISLATIVE UPDATE

Michael Sullivan, of the Ferraro Group, stated that the Board's two bills passed. These included cleanup that we wanted to get done. He said the Board worked very well with the legislators to get those passed and he thinks the Board did a very good job of working with its colleagues. Overall, he thinks the Board did very well on getting bills passed that it wanted and making statements on other bills as well.

Ms. Bradley stated there were 9 Legislative Subcommittee meetings, and the Subcommittee reviewed 40 bills. The Board's bills, AB56 and AB319, both passed, were signed by the Governor and are now law. She said she is excited about this because it will help update the Board's Chapter, as well as give us some room to increase fees if and when the Board thinks that is appropriate. She then highlighted some other bills signed by the Governor that the Board was following. AB235 allows health care providers that provide care in certain specialty areas to request their personal information be confidential. AB305 changes the law so that health care providers can charge no more than $30 for completing FMLA forms, and there will be a cost-of-living adjustment added to that fee each year. SB124 gives limited licensure to foreign medical graduates and that will be a new licensure category for the Board. This summer, we will be working on regulations for this bill. Those new licensees will be able to apply for full licensure after two years of practice under the limited license. SB188 has to do with translating for patients with limited English proficiency so that they can fully access health care. The Board will also be licensing genetic counselors, so that will be a new licensure category for the Board. We will be working on regulations for genetic counselors this summer as well. She is planning to have a large regulation draft for the Board at the September meeting that will hopefully incorporate all the new changes from the legislative session.

Dr. Frey thanked Ms. Bradley, Mr. Sullivan, and the Ferraro Group for a fantastic job during the session.

Dr. Spirtos said he thought we should mention that at least one of the two bills regarding insurance preauthorization requirements passed, and that is very important. Ms. Bradley said there were multiple insurance bills, and the Board supported a lot of them.

Dr. Frey said the public should know that now insurance providers can use AI for prior authorizations, which is going to facilitate things, but they cannot use it to automatically deny coverage, which is fantastic.

Dr. Ahsan joined the meeting at 8:45 a.m.

Agenda Item 5

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

- Review of Public Comments on, and Possible Adoption of, Proposed Amendment to NAC Chapter 630 as Contained in LCB File No. R117-24

Ms. Bradley stated a workshop and public hearing were held on the proposed regulations in LCB File No. R117-24. She explained a lot of the changes were cleanup changes. There was also new language, that may be of some note to licensees, that a physician assistant shall not perform cosmetic surgery without direct supervision by his or her supervising physician if it is not medically necessary and any type of anesthesia will be provided. It must be direct supervision, which means in the room with the physician assistant. She said this came from comments by Board members in a Board meeting during a previous disciplinary matter, wherein the Board basically said it wants the physician in the room. The proposed changes also repeal some provisions the Board no longer needs. She asked that the Board adopt the regulation as presented and said the draft will then be submitted to the LCB and will go on the next Legislative Commission agenda for possible approval.

Dr. Spirtos asked for clarification regarding the provisions regarding supervision for non-medically necessary procedures performed by physician assistants.

Ms. Bradley explained there are concerns regarding what occurs in medical spas at times and/or in locations where a physician assistant is practicing by himself or herself perhaps providing liposuction services, without a physician on-site. The intent of this regulation is to say that is not allowed; that there needs to be a physician in the room with the physician assistant when those services are provided. She sent these proposed changes to two plastic surgeon experts the Board uses for cases, as well as a dermatologist, just for their input, and they all supported the changes. If there are concerns regarding supervision in other areas, the Board should address those in future regulations.

Mr. Olivarez said with respect to physician assistants who work in the operating room in general, like himself, they work with a physician at all times. There are procedures he can do under the supervision of a physician, but he could not get hospital privileges to perform on his own. Where it gets tricky for some people is when you talk about "medically necessary." He said the procedures that are listed specifically should only be done by a board-certified plastic surgeon, so he thinks it should be easy to preclude a physician assistant from doing those independently.

Ms. Bradley said it is a two-pronged test for the new regulations to apply: (1) it is not medically necessary, and (2) there will be the use of anesthesia. She added the procedures listed in the regulations were those selected by the Board members previously.

Dr. Ahsan asked about the phrase "medically necessary" and how it may be interpreted.

Discussion ensued regarding the term "medically necessary" as well as certain cosmetic procedures that are considered to be the most dangerous.

Ms. Bradley said the regulation could be modified later, if the Board so desired.

Dr. Frey moved that the Board approve the proposed amendments to NAC 630 as proposed. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Dr. Frey said it may be wise to recommend to the Board of Nursing that they look at this regulation because having some consistency across the state in this realm is very important.

Ms. Bradley said we could share this with the Board of Osteopathic Medicine as well.

Dr. Simon joined the meeting at 9:35 a.m.

Agenda Item 6
ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NO. 24-22461-1

Liborius Agwara, Esq., was present as Dr. Okeke's legal representative.

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 provided procedural instruction regarding the adjudication process. She said this would apply to Agenda Items 6, 7, 8 and 9, as they are all regarding the same physician.

Dr. Spirtos stated the hearing officer provided a detailed synopsis of the testimony. The case included charges of malpractice and pre-signed prescriptions while Dr. Okeke was out of the country. Dr. Spirtos stated that, according to the hearing officer's findings, the counts of malpractice, the counts alleging failure to maintain clear, legible, accurate and complete records, the counts of violation of statutes and regulations of the Nevada State Board of Pharmacy, the counts of engaging in conduct intended to deceive and the counts for charging for services not rendered were proven, and the counts of fraudulent, illegal, unauthorized or otherwise inappropriate prescribing of controlled substances were not proven.

Ms. Beal said she found the facts of the case disturbing, and she thought the physician's conduct in terms of saying he saw patients when he was out of the country and billing for services that were not rendered was egregious.

Mr. Olivarez said the investigation clearly showed and supports that Dr. Okeke should be held accountable for these counts. It is difficult to care for a patient if you are not in the country.

Dr. Spirtos stated he also thought it was important to note that 150 of the counts stood the test at hearing and they all really centered on not providing adequate care and malpractice.

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

Agenda Item 7
ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NO. 24-22461-2

Liborius Agwara, Esq., was present as Dr. Okeke's legal representative.

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

Dr. Spirtos said Counts I through V alleged malpractice and those were proven. He said in his opinion, those centered on the fact that no exams were done, the prescriptions were provided, and no Prescription Monitoring Program checks were done. Counts VI-X alleged failure to maintain clear, accurate and complete medical records, and those were also proven.

Ms. Bradley clarified that with respect to Counts I-V, one count was proven for Patient A, but four counts were not proven for Patients B, C, D and E, and with respect to Counts VI-X, two counts were proven for Patients A and B, but three counts were not proven for Patients C, D and E.

Dr. Spirtos stated with respect to Counts XI-XVI, violation of statutes and regulations of the Nevada State Board of Pharmacy, two counts were proven for Patients A and B and three counts were not proven for Patients C, D and E. He said Counts XVII-XX, for fraudulent, illegal, unauthorized or inappropriate prescribing of controlled substances, and Counts XXI-XXIV, for engaging in conduct intended to deceive, were not proven.

Mr. Olivarez said from reading the transcript of the testimony, it is clear there was a pattern of the same improper prescribing.

Dr. Simon said he agreed. The Board is looking at so much of the same repeated, problematic behavior.

Ms. Beal moved that the Board adopt the hearing officer's findings and recommendations. Dr. Simon seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 8

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NO. 24-22461-3

Liborius Agwara, Esq., was present as Dr. Okeke's legal representative.

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

Mr. Farnsworth stated he agreed with the hearing officer's findings. Once again, from reading the transcript and the large volume of documents provided, this represents a pattern of misconduct in very similar ways to the other two matters the Board previously reviewed.

Dr. Spirtos stated Count I, malpractice, was proven, Count II, failure to maintain complete medical records, was proven, Count III, violation of statutes and regulations of the Nevada State Board of Pharmacy, was proven, Count IV, unsafe or unprofessional conduct, was proven, Count V, disreputable conduct, was proven, Count VI, violation of patient trust and exploitation of the physician and patient relationship for financial or personal gain, was proven, and Count VII, fraudulent, illegal, unauthorized or otherwise inappropriate prescribing of controlled substances, was proven.

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

Agenda Item 9

ADJUDICATION IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NO. 24-22461-4

Liborius Agwara, Esq., was present as Dr. Okeke's legal representative.

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

Dr. Spirtos said again, the hearing officer provided a detailed synopsis and did a great job in terms of supporting her findings and recommendations. He said Count I, malpractice, was not proven, Count II, failure to maintain legible and accurate medical records, was proven, Count III, engaging in conduct intended to deceive, was not proven, Count IV, failure to notify the Board regarding office closure and location of patient records, was proven, Count V, failure to notify the Board regarding change of mailing address, was proven, Count VI, failure to provide patient records to the patient upon request, was proven, and Count VII, knowing or willful failure to comply with a provision in NRS Chapter 630, was not proven. He said this case was slightly different from the others, in that it was much about moving his office and not properly notifying the Board and there was no finding of malpractice in this case; however, there were still violations of several statutes.

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

Ms. Bradley presented the Investigative Committee's recommendations regarding discipline in the matter, which included the following: Dr. Okeke's license to practice medicine shall be revoked and pursuant to NRS 622A.410, he shall not reapply for a new license for seven years from the date of the Board's order. If, and when Dr. Okeke reapplies for licensure, he shall reimburse the Board for the reasonable, necessary, and actually incurred costs incurred in prosecuting these four cases in the amount of $59,538.77. Dr. Okeke currently has an inactive license because he chose not to comply with the monitoring terms from a previous case. The previous case was Case No. 21-22461-1. The Investigative Committee recommends that if the Board votes to revoke Dr. Okeke's license, that it close that case with the order revoking his license, noting that if and when he returns, the Board could require that monitoring again, as well as other requirements.

Discussion ensued regarding Dr. Okeke's current inactive licensure status.

Mr. Agwara said if you look at the allegations, 70% center around a three-year period when Dr. Okeke was going through a very nasty divorce. This is not an excuse and Dr. Okeke takes responsibility for whatever he did wrong and has learned from the past. He then said he wanted to clarify some facts regarding one of the cases.

Ms. Bradley said she was going to object because this was not the time to comment on the facts of the case. Mr. Agwara had already made this argument at the hearing, it was in the transcript, and the Board has read it. Pursuant to NRS 630.352, this was simply the time when Mr. Agwara was allowed to comment on the Investigative Committee's recommendations for discipline.

Dr. Spirtos asked Mr. Agwara to limit his comments to his recommendations for disciplinary action in this matter.

Mr. Agwara said the recommendation for revocation for 7 years plus almost 3 years of inactive status amounts to 10 years. He said there has to be some balance. There is another physician who had similar problems and his license was revoked, but the revocation was stayed and he was placed on probation for 6 months, so he does not think there is any basis for what the Investigative Committee has recommended in these matters.

Mr. Olivarez said he thought what the Board should think about was that this was a pattern of behavior.

Mr. Farnsworth said that although he was a newer member of the Board, he personally had not seen a case come before the Board with 200-plus counts and it was alarming to see how long this physician demonstrated these behaviors, which continued for an extensive period of time, and he believes that continued behaviors like this put the public at risk.

Dr. Simon said he absolutely agreed and if the Board did not take serious action, it would put the public at risk. He said he did not think the Investigative Committee's proposed discipline was out of line in any way.

Ms. Bradley restated the Investigative Committee's recommendations for disciplinary action in these matters.

Mr. Farnsworth moved that the Board accept the Investigative Committee's disciplinary recommendations. Mr. Olivarez seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 10

CONSIDERATION OF REVOCABLE DELEGATION AND AUTHORIZATION BY THE BOARD TO THE GENERAL COUNSEL OF THE BOARD TO DEFEND THE BOARD'S FINDINGS, CONCLUSIONS, ORDERS AND ACTIONS IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MATTHEW OBIM OKEKE, M.D.*, BME CASE NOS. 24-22461-1, 24-22461-2, 24-22461-3 AND 24-22461-4 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 these matters. Mr. Olivarez seconded the motion, and it passed unanimously.

Dr. Simon left the meeting at 10:13 a.m.

Agenda Item 11

CONSIDERATION OF REQUEST OF AJUMOBI CHARLES AGU, 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. AJUMOBI CHARLES AGU, M.D.*, BME CASE NO. 23-12518-1

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

Dr. Agu said he was asking for the ability to make installment payments for the monies due the Board because he had not worked for two years and currently had no money. He said he thought he could finish making the payments in six months.

Mr. Cumings stated the costs and fines in the matter totaled $8,252.67, so it would be around $1,375 a month for six months.

Dr. Spirtos asked when Dr. Agu could start making payments, and Dr. Agu said he could do so by June 30, 2025.

Ms. Jenkins stated if the first payment is due on June 30, 2025, she recommended the following five payments be due on the 30th of each of those following months.

Dr. Frey moved that the Board accept the revision of Dr. Agu's payment plan as stated, with five equal payments of $1,375.66 and the sixth payment in the amount of the remaining balance. Ms. Arias-Petrel seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 12
REPORTS

(a) Investigative Committees

Dr. Frey reported that at its May 16, 2025 meeting, Investigative Committee A considered 62 cases. Of those, the Committee authorized the filing of a formal complaint in 6 cases, sent 1 case out for peer review, requested an appearance in no cases, issued 9 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 44 cases. He said he wanted to thank the entire team, and specifically Dr. Bassewitz and Mr. Wade, who had been stalwart member of Investigative Committee A and had great input. He said he knew Mr. Wade was soon to leave the Board and wanted to thank him for his service.

Dr. Ahsan thanked Ms. Beal and Dr. Simon, as well as the staff. He reported that at its May 7, 2025 meeting, Investigative Committee B considered 31 cases. Of those, the Committee authorized the filing of a formal complaint in 4 cases, sent 3 cases out for peer review, requested an appearance in 3 cases, issued 5 letters of concern, referred no cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 16 cases.

Dr. Spirtos reported that at its May 8, 2025 meeting, Investigative Committee C considered 47 cases. Of those, the Committee authorized the filing of a formal complaint in no cases, sent 4 cases out for peer review, requested an appearance in 1 case, issued 13 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 27 cases. He thanked Ms. Arias-Petrel and Dr. Williams for their participation.

Ms. Arias-Petrel thanked Mr. Diaz and the Investigations Division for their amazing job in putting together the materials and their work.

Dr. Spirtos said he concurred.

(b) Nevada State Medical Association

Amber Carter, Interim Executive Director of the Nevada State Medical Association, was not present, but had submitted a written report prior to the meeting, which had been provided to all Board members.

(c) Clark County Medical Society

Amber Carter, Executive Director of the Clark County Medical Society, 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

Brian S. Lauf, DMSc, MPAS, PA-C, DFAAPA, President of the Nevada Academy of Physician Assistants (NAPA), said he wanted to talk about SB294. The bill was introduced during the 2025 Legislative Session, and the goal of that bill was to modernize Nevada's physician assistant (PA) practice law. He explained the original version of the bill closely aligned with national standards in removing outdated restrictions that limit flexibility in health care delivery, particularly in underserved areas. While an amended version of the bill passed out of the Senate, it ultimately did not make it out of the Assembly Commerce Committee. The significantly amended version resulted from discussion with various stakeholders. Rather than a broader modernization of the written codes, the amended version focused solely on giving the Board explicit authority to increase the supervision ratio from three to six PAs per physician, even though the Board already possesses the ability to grant such increases under certain circumstances. Several stakeholders who participated in those discussions later opposed the amended version citing concerns that health care entities who required physicians to supervise six or more PAs would potentially compromise patient safety. He said he wanted to reiterate that NAPA remains committed to pursuing comprehensive modernization of PA practice in future sessions. Its goal is to align Nevada laws with national trends and strengthen the health care workforce, especially in rural and underserved communities. NAPA fully intend to reintroduce a modernization bill during the 2027 Legislative Session, and it is hopeful it can work constructively with the Board of Medical Examiners and other stakeholders to identify common ground, address mutual concerns and develop a shared understanding of how best to support safe, team-based care across Nevada.

Mr. Lauf reported that NAPA's leadership will change on July 1, 2025, and he is hopeful the incoming leaders will continue collaborative communication with this Board. He said that the NAPA Board formally voted to change its name from the Nevada Academy of Physician Assistants to the Nevada Academy of Physician Associates. This decision aligns with the American Academy of Physician Associates who voted in May of 2021 to adopt "Physician Associate" as the official profession title and reflects the evolving role of PAs in modern medicine.

Dr. Spirtos stated when the previous legislative session concluded, the Board meant in earnest that it wanted to work collaboratively with NAPA in its efforts. He does not know what happened but that did not occur. He said scheduling meetings and discussions is incumbent upon both organizations, but Mr. Lauf's organization is the one drafting and putting forth the material, so if it would share that with the Board as it is developing, that would be the easiest and most straightforward way to work collaboratively.

Mr. Lauf said NAPA did not see the Legislative Counsel Bureau's final draft of this session's bill until just a few days before they shared it.

Dr. Frey said, as a historical lookback, when the nurse practitioners gained independence, the argument they put forward was that the rural areas were underserved and that would be a solution to that. Years later, we now have data that indicates it was not a solution because it has not borne fruit in the State of Nevada. Therefore, as we begin these interim discussions, he would like to make sure that if the intent is to serve the rural areas, that we do that.

Mr. Lauf said he agreed and thought there was a great opportunity to make that happen, but some of the current regulations are barriers to that, so future regulations could help.

Ms. Beal said when attempting to demonstrate the need for PAs to be able to more independently support the areas with professional shortages, it would be helpful to provide data that highlights the need in those areas. Additionally, it would be beneficial to collaborate with rural associations to investigate how PAs can really serve in those areas and to help recruit PAs to those areas.

Mr. Olivarez thanked Mr. Lauf for all the work he has done for PAs in Nevada and said he hopes that whoever comes in his place will continue in that same form. He said he looks forward to this Board working with NAPA to find some common ground and put forth something positive moving forward.

Agenda Item 13
CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAVID CARL LEPPLA, M.D.*, BME CASE NO. 24-29802-1

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

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

Dr. Frey outlined the facts of the case. He said he thought both counts were supported; however, Dr. Leppla only admitted to the malpractice count. He thought the proposed settlement agreement was appropriate.

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

Dr. Spirtos asked whether the Board could come up with some guidance and criteria regarding imposition of fines.

Mr. Hinman said the Legal Division had a general matrix that they followed.

Ms. Bradley said the Board had approved the matrix at a previous meeting and she could send that to the Board members.

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

Agenda Item 14
<u>CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ZIAD AHMED SAWI, M.D.*, BME CASE NO. 24-28048-1</u>

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

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

Dr. Frey outlined the facts of the case. He said he thought both counts were supported but that Dr. Sawi only admitted to the records count, and he thought the proposed settlement agreement was appropriate.

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

Agenda Item 15
<u>CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CALVIN HENRY VAN REKEN, M.D.*, BME CASE NO. 25-6122-1</u>

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

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

Dr. Frey outlined the facts of the case. He said Dr. Van Reken admitted to both malpractice and a records violation. He said he thought the fine level was appropriate and he liked the specific prescribing course.

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 16
<u>CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KRISTIN ADELE HESTDALEN, M.D.*, BME CASE NO. 25-25351-1</u>

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

Ms. Contine explained that Dr. Hestdalen had come before the Board in June of 2024, to request that her license status be changed from "inactive" to "active." The Board approved the change in status with the condition that she maintain a preceptorship for a year. After about six months, the Board was notified by the preceptor that the preceptorship had been terminated because Dr. Hestdalen was no longer working with them. In an abundance of caution, the Investigative Committee summarily suspended Dr. Hestdalen's license. Dr. Hestdalen had agreed to that suspension, she hasn't worked since then and there have been no patient harm issues. A formal Complaint was filed against Dr. Hestdalen for failing to comply with a Board order. Ms. Contine then outlined the terms of the proposed Settlement Agreement.

Ms. Beal 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 17

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. KEVIN CORBRIDGE HYER, M.D.*, BME CASE NO. 24-8515-1

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

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

Dr. Spirtos stated the Board had discussed the underlying issue previously, and although he didn't have a reason to differ from the recommendation of the Investigative Committee, he would like to see some guidelines for consistency, as the recommendation in the other case was for four hours of CME and the recommendation in this case is for six hours of CME.

Mr. Olivarez remarked that this case was similar to the one in which the Board rejected the proposed Settlement Agreement, with slight differences, and asked whether the adjudicating members thought the settlement in this case seemed appropriate and they should accept it.

Ms. Beal said she thought it was a little different because in the other case there was a family medical history, and things should have been expedited.

Discussion regarding the facts of the case.

Dr. Spirtos said he thought this was a pretty big miss.

Ms. Beal moved that the Board reject the proposed Settlement Agreement.

Mr. Olivarez asked if what the Board would be rejecting was the CME requirement specifically, and Ms. Beal said it was.

Mr. Olivarez seconded the motion.

Dr. Ahsan said he wanted to raise the question of competency versus mistake and said he thought this case was different from the other case.

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

Agenda Item 18

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MELISSA MARIE MILES, M.D.*, BME CASE NO. 24-47082-1

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

Dr. Spirtos stated he did not feel he had any reason to recuse himself from consideration of the matter; however, he wanted to note that Dr. Miles previously worked at the Women's Cancer Center.

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

Dr. Frey outlined the facts of the case. He said he thought both counts were supported; however, Dr. Miles only admitted to the count of continual failure to exercise skill or diligence. He said he thought the fine and 10 hours of CME were appropriate. He said he generally supported the settlement; but what he might not agree with was the failure to admit to malpractice, as it was clear to him.

Discussion ensued regarding Dr. Miles' management of the complications that arose in the case.

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 19

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SRIVATHSA CHELUR VEERARAGHAVAN, M.D.*, BME CASE NO. 24-50383-1

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

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

Mr. Olivarez commented that again the Board was looking at a misdiagnosis on an x-ray; but he thinks this one was different. He said he thought any radiologist could miss something and Dr. Veeraraghavan admitted to malpractice.

Mr. Olivarez moved that the Board accept the proposed Settlement Agreement. Mr. Farnsworth seconded the motion.

Dr. Williams said he concurred and added that Dr. Veeraraghavan appropriately referred the patient to an orthopedic surgeon.

A vote was taken on 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. HISBAY HAIDER ALI, M.D.*, BME CASE NOS. 24-53587-1, 24-53587-2 AND 24-53587-3

Robert DeMarco, Esq. was present as Dr. Ali's legal representative.

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

Mr. Cumings stated 3 formal Complaints had been filed against Dr. Ali alleging 15 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. Ms. Arias-Petrel 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. VINCENT PETER NALBONE, M.D.*, BME CASE NOS. 24-11896-1, 25-11896-1, 25-11896-2, 25-11896-3, 25-11896-4, 25-11896-5 AND 25-11896-6

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

Mr. Cumings stated 7 formal Complaints had been filed against Dr. Nalbone alleging 17 violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Dr. Spirtos asked Mr. Cumings if he could be more specific regarding the charges. Mr. Cumings stated they were as outlined in the formal Complaints, and Dr. Nalbone was admitting to all counts of malpractice alleged in the first five complaints and to the records violations alleged in the last two complaints.

Dr. Frey outlined the facts of the seven cases. He said essentially these cases involved poor decision-making and poor recordkeeping and it is very important that he go through the PACE program to assess competency because that is what is really needed for patient safety.

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 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. DAVID MICHAEL SNIPPER, M.D.*, BME CASE NO. 25-8772-1

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

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

Agenda Item 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GEORGE PETER CHAMBERS, JR., M.D.*, BME CASE NO. 25-27891-1

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

Dr. Spirtos named the adjudicating Board members who would be considering the matter. He then said he was recusing himself from consideration of the matter due to a past pecuniary relationship with Dr. Chambers.

Ms. Bradley stated a formal First Amended Complaint had been filed against Dr. Chambers alleging 26 violations of the Nevada Medical Practice Act and outlined the terms of the proposed Settlement Agreement.

Dr. Frey said there were six patients in this matter and the case involved very unprofessional experiences with those patients. Therefore, he thinks this resolution is good because it limits his ability to do certain things. He can come back to the Board and petition for those conditions to be removed; however, he thinks Dr. Chambers would be best to always have a chaperone and never take photos of patients for any reason. He said he thought this was an appropriate settlement.

Discussion ensued regarding the facts of the case and the terms of the proposed Settlement Agreement.

Mr. Wade 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 24

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF *THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SILVANA R. ARCINIEGAS RODRIGUEZ, M.D.*, BME CASE NO. 24-40713-1

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

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

Mr. Olivarez outlined the facts of the underlying case. He said he thought it was important that Dr. Arciniegas Rodriguez admitted to the count of malpractice and that he thought the proposed settlement agreement was reasonable.

Mr. Olivarez moved that the Board accept the proposed Settlement Agreement. Mr. Farnsworth seconded the motion.

Brief discussion ensued regarding the facts of the case.

A vote was taken on 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. VICTOR WEI-KWONG FONG, M.D.*, BME CASE NO. 25-40934-1

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

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

Ms. Beal said she was not sure she was in total agreement with the proposed Settlement Agreement. The patient had a family history of breast cancer, she had complained about palpable pain in the area and there was progression in the size of the cyst. As an experienced radiologist, Dr. Fong should have referred her immediately, and that did not happen.

Dr. Spirtos said he understood what Ms. Beal was saying and that he has a difficult time understanding an obvious misread of breast cancer.

Ms. Beal said at the very least she would like to see additional hours of CME.

Ms. Beal moved that the Board reject the proposed Settlement Agreement. Ms. Arias-Petrel seconded the motion.

Mr. Farnsworth stated he thought adding a couple of hours of CME was not much of an added punishment and said he wondered if there were other disciplinary options that could be imposed that would make the settlement more satisfactory.

Dr. Ahsan said there are two questions that need to be addressed in these situations. One is incompetence and the other is negligence.

Dr. Frey said what he thought what Dr. Ahsan was speaking to is that failure to take some action, whether it is a referral, an immediate intervention, or something else, is a failure, and whether it is negligence or incompetence is the question that probably needs to be determined.

A vote was taken on 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. SAMUEL RODOLFO CHACON, M.D.*, BME CASE NOS. 23-12761-1, 23-12761-2, 23-12761-3, 23-12761-4, 23-12761-5 AND 23-12761-6

Eric Stryker, Esq. was present as Dr. Chacon's legal representative.

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

Mr. Cumings stated 6 formal Complaints had been filed against Dr. Chacon alleging 32 violations of the Nevada Medical Practice Act. On September 6, 2023, the Investigative Committee suspended Dr. Chacon's license to practice medicine, and his license currently remains in suspended status. A hearing was held on Case No. 23-12762-1, whereby the hearing officer found that Dr. Chacon committed two counts of malpractice, one count of unprofessional conduct, one count of deceptive conduct, one count of violation of patient trust for financial gain and one count of violation of standards of practice for falsification of medical records. Mr. Cumings then outlined the terms of the proposed Settlement Agreement.

Dr. Frey said he appreciated all the work that went into the proposed settlement, which would settle six complaints. He said he thought each of these patients deserved to be heard.

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

Mr. Cousineau said knowing there were quite a few people who wanted to speak to this, the Board was going to allow public comment at that time. He said he hoped they understood the matter had already been adjudicated and understood the terms that were enunciated. Dr. Chacon's license was revoked, and he would not be eligible to reapply for licensure for five years. Plus, he will be paying the Board's costs for investigating and prosecuting these matters and receiving a public reprimand. He then invited public comment on these matters.

Angie Winters and Linda Chaparro provided public comment regarding the medical treatment they received from Dr. Chacon. Ms. Chaparro said she hopes the Board can do something to prevent this from happening again.

Jennifer Agnew and Ashleigh Tru provided public comment regarding the medical treatment they received from Dr. Chacon and expressed their dissatisfaction regarding the Settlement Agreement entered into between Dr. Chacon and the Board. Ms. Agnew asked that the Board hear them, listen to their stories, and do better for all the patients.

Carrie Sulak expressed her dissatisfaction regarding the Settlement Agreement entered into between Dr. Chacon and Board and asked why the Board chose this route.

Dr. Spirtos explained the Board is not allowed under Nevada law to permanently revoke a license. The Settlement Agreement does not allow Dr. Chacon to appeal and possibly have the revocation stayed. He said the Board has worked diligently to put an end to Dr. Chacon's practice and stop him from hurting any patients in the future.

Sarah Slavenes stated she is a representative for over 600 victim survivors of Dr. Chacon and said what the Board heard that day was just a sliver of what had occurred. She expressed her dissatisfaction regarding the Settlement Agreement entered into between Dr. Chacon and the Board. Ms. Slavenes said the Legislature needs to be called upon to change the law to allow the Board to permanently revoke licenses. She said that a 5-year revocation for Dr. Chacon is just a slap on the wrist.

Mr. Cousineau stated that, even if Dr. Chacon reapplies for a license in the future, the Board may choose to not grant him a license at that time.

Ms. Slavenes said the victim survivors thanked the Board for hearing them that day.

Dr. Frey thanked them for providing comment.

Ms. Arias-Petrel thanked them for their comments. She said that the Board hears them.

Dr. Williams said that the Board heard everything they said and is very sympathetic to them. He hopes the Board never has a scenario like this again.

Agenda Item 27
CONSIDERATION OF ACCEPTANCE OF VOLUNTARY SURRENDER OF MEDICAL LICENSE OF STEVEN W. POWELL, M.D., LICENSE NO. 19442

Ms. Contine explained that the Board has the ability for a licensee who is under investigation to voluntarily surrender his or her license while he or she is under investigation, before it rises to a formal complaint. The law requires that the licensee submit a written request and that the Board accept the voluntary surrender at a public meeting. She said the Board may set a timeframe of up to 10 years before a person can reapply for licensure if he or she chooses to do so. She said in this case and the next, neither of the licensees requested a particular time period, so the Board is free to go up to 10 years. She said she was asking the Board to accept the voluntary surrender of Dr. Powell's license in this case and issue an order of revocation for a period of 10 years

Dr. Frey moved that the Board accept the voluntary surrender of Dr. Powell's license for a period of 10 years. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 28
CONSIDERATION OF ACCEPTANCE OF VOLUNTARY SURRENDER OF MEDICAL LICENSE OF SCOTT WILLIAM SMITH, M.D., LICENSE NO. 21350

Ms. Contine asked the Board to accept the voluntary surrender of Dr. Smith's license and issue an order of revocation for a period of 10 years.

Ms. Arias-Petrel moved that the Board accept the voluntary surrender of Dr. Smith's license for a period of 10 years. Mr. Olivarez seconded the motion, and it passed unanimously.

Agenda Item 29
EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that from March 6, 2025, through June 4, 2025, the Investigations Division received a total of 328 complaints. Of those, 107 cases were opened as formal investigations, 78 were not within the Board's jurisdiction, 60 were referred to other agencies and regulatory bodies, the majority of which were referred to the Nursing Board, 27 were resolved through proactive measures, and 21 were either still pending review or were duplicate complaints. The total case count was 328, for an average of 41 cases per 8 investigators, which includes 3 supervisors. There was a total of 27 peer reviews, 22 of which had been assigned and 5 of which were pending assignment to a peer reviewer. There were 18 licensees in compliance or diversion.

Dr. Spirtos asked how many referrals had been made to the Board of Nursing. Mr. Diaz said he did not know the number off the top of his head, but he usually refers one to two a week to them.

Dr. Spirtos thanked Mr. Diaz and his team for their excellent work.

(b) Quarterly Compliance Report

Ms. Jenkins reported that for the first quarter of 2025, there were two files in collection for a total of $37,213.68. The total outstanding costs were $98,072.89 and the total outstanding fines were $35,206.07. Total costs collected during the quarter were $95,717.88 and total fines collected were $78,382.74. She said at the Board's request, she included in the report the total costs and fines collected in 2024, which were $256,029.43 in costs and $191,555.19 in fines. Also, for a comparison, she included the total costs and fines collected in the previous quarter, which were $48,891.25 in costs and $45,326.56 in fines.

Dr. Frey stated that during the previous legislative session, the fines collected were to be allotted to benefit care in the State and asked if the Board is provided with any visibility as to what that expenditure looks like.

Ms. Jenkins stated we only have information regarding what we send them.

Mr. Cousineau added that we cannot control what the State does with the money. The Board sends the money where it is supposed to and how it is allocated after that, we do not know. There is a statutory requirement for it and perhaps next legislative session we can request that we be provided with an accounting of it, but currently there is no mechanism to obtain that other than making a public records request.

Ms. Arias-Petrel said she wanted to commend Ms. Jenkins for the great job she does.

(c) Quarterly Update on Finances

Ms. Jenkins stated the Balance Sheet reflects the assets and liabilities of the Board. She then highlighted the various sections of the Balance Sheet for the quarter ending March 31, 2025. The total current assets were $6,736,900 and the total assets were $12,414,400. The total current liabilities were $2,267,400, with total liabilities and net position of $12,414,400. The year-to-date addition to net income or net position of the Board was rounded to $561,100.

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 11.2% above budget. In the expense section, the personnel expense was under budget by 10.5% and total expenses were 90.7% of budget. The interest income for the quarter was $46,375 and the total addition to net position for the quarter was rounded to $561,100. The reserves of the Board were at eight months.

Our independent financial audit is underway, and we expect to receive a finalized audit for 2024 by the September meeting of the Board.

Dr. Frey asked whether eight months was the ideal number of reserves.

Ms. Jenkins explained the Board's policy is based on a recommendation from the Legislative Counsel Bureau that the Board be between six months and a year, so we strive to be between six months and a year. She expects the number will go down when the Board's auditors adjust in July or August for the post-retirement benefits. We don't know that figure until the State produces it, probably at the end of July or first of August. Some years it has been over $300,000, so it could make a difference in where the Board's reserves stand once the adjustment is made, but the Board is in a very solid financial position.

(d) Legal Division Report

Ms. Contine reported the Legal Division had a current total case count of 76 cases. Of those cases, as of that day, formal complaints needed to be filed in 40 cases, and 36 cases were being actively worked. During the second quarter, the Division filed 12 formal complaints, issued two orders, conducted 3 formal hearings, resolved 36 cases, and issued 27 letters of concern.

Dr. Spirtos asked whether Board members take part in the hearings, because there is mention of that in the statutes.

Board staff responded, and discussion ensued regarding the Board's hearing process.

Agenda Item 30
<u>LICENSURE RATIFICATION</u>

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the March 7, 2025 Board Meeting

Ms. Arias-Petrel moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the March 7, 2025 Board Meeting. Dr. Frey seconded the motion, and it passed unanimously.

Agenda Item 31

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Heidi Ann Ryan, M.D.

Dr. Spirtos said he was recusing himself from consideration of the matter because he is part of Dr. Ryan's proposed preceptorship.

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

Dr. Williams summarized Dr. Ryan's medical education and training, and stated she became board certified in 2014.

Dr. Ryan said she was due to take the board recertification exam this year.

Dr. Williams stated Dr. Ryan was before the Board because she had not practiced clinical medicine since 2020 and asked her to explain why.

Dr. Ryan described what she had been doing since she stopped practicing medicine in 2020 and said she had been taking continuing medical education courses in preparation for her board recertification. She said she planned to practice on her own.

Dr. Ryan described her proposed preceptorship plan and explained part of the plan is for her to participate in an acute care surgery fellowship beginning in the fall of 2026 if she is accepted.

Dr. Williams stated he had never seen such a comprehensive preceptorship plan and asked Dr. Ryan what she planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Ryan said the acute care surgery branch of general surgery allows for shift work, which would be very helpful to her as a parent. Once she completes the fellowship, she doesn't know whether she will remain in the state.

Ms. Beal asked Dr. Ryan who her primary preceptor would be.

Dr. Ryan said it would either be Dr. Spirtos, who is not in her primary specialty, or Dr. St. Hill, who is.

Dr. Frey said it when Dr. Ryan performs surgery that is not in Dr. Spirtos' scope, those cases be reviewed by one of the physicians whose scope that surgery is part of. He said he thought the Board could accept this with the provision that all three physicians understand that when Dr. Ryan is doing cases that are not in Dr. Spirtos' scope, those cases be reviewed by one of the other two physicians.

Dr. Williams moved that the Board grant Dr. Ryan's application for change of status to Active. Ms. Beal seconded the motion, and it passed unanimously. Dr. Frey confirmed that the license would be a conditional license.

(b) Jeffrey Howard Kesten, M.D.

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.

Mr. Wade summarized Dr. Kesten's medical education and training and stated his last major examination was his board certification, which expired in August of 2021. He then 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. He said he had completed his sentence and was on probation.

Mr. Wade stated that when Dr. Kesten appeared before the Board in December, the Board requested that he come back with a preceptorship plan, and said it appeared that Dr. Kesten had found one. He stated the preceptor's name is Dr. Poindexter and asked what Dr. Poindexter's specialty was.

Dr. Kesten said that Dr. Poindexter is a physiatrist. He summarized Dr. Poindexter's background and experience and said he has had no disciplinary action taken against him by the Nevada State Board of Medical Examiners and has not lost or settled any malpractice suits. Dr. Poindexter is the Medical Director of Mountain Rehabilitation Services, which treats sports medicine cases, back injuries, and such.

Mr. Wade outlined Dr. Kesten's proposed preceptorship plan.

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 he would like to establish himself in the Nevada physiatric community and would focus primarily on providing physiatric services to underserved communities in the state.

Dr. Spirtos asked Dr. Kesten when his probationary period would end.

Dr. Kesten said it currently would end in one year, in June 2026, but if he is fortunate enough to have this opportunity in Nevada, he will appeal for early termination of his probation, which is a commonplace practice.

Mr. Wade moved that the Board grant Dr. Kesten's application for licensure with the condition that he participate in his preceptorship plan. Ms. Beal seconded the motion.

Mr. Cousineau asked Dr. Kesten if he understood that the license would be a conditional license and would be reportable to the National Practitioner Data Bank. He explained is not punitive but could impact Dr. Kesten with respect to licenses in other jurisdictions. Dr. Kesten indicated he understood.

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

(c) Wessam Bou-Assaly, M.D.

Dr. Spirtos asked Dr. Bou-Assaly whether he wanted his application to be considered in closed session, with the public being excluded, and he said 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, Mr. Olivarez said he thought the Board should honor Provision #24 of Legislative Counsel Bureau File No. R033-24 and moved that the Board decline to grant Dr. Bou-Assaly's application for licensure by endorsement. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 32
CONSIDERATION AND APPROVAL OF 2024 BOARD ANNUAL REPORT

Mr. Cousineau highlighted the items and statistics contained in the proposed report. He said the Board members' bios had been updated. He explained that the licensing numbers have been trending up the last couple of years and the number of disciplinary actions taken by the Board is significantly higher over the last few years. He said he thought it was unique that the Board issued 2024 licenses to physicians in 2024. He said there are currently only five anesthesiologist assistants licensed, and only one is in the state, so that has probably not alleviated the anesthesiologist shortage in the state.

Discussion ensued regarding the nationwide trend to change the title of "physician assistants" to "physician associates."

Mr. Wade moved that the Board approve the 2024 Board Annual Report. Dr. Frey seconded the motion, and it passed unanimously.

Agenda Item 33
NEW BUSINESS

Mr. Farnsworth said he was thrilled with the engagement of the staff. He is constantly hitting them with a variety of things and without hesitation, they always rise to the occasion and answer his questions. He said it is remarkable to have such a great team here and he wanted to put that on the record and thank them for what they do every day. It is meaningful and it helps him substantially.

Dr. Spirtos said he would like to put the fines schedule on the agenda for discussion at the next meeting.

Agenda Item 34
STAFF COMMENTS/UPDATES

Dr. Frey said the national mental health bill went through and the sponsoring organization is now engaged with the Federation of State Medical Boards to give a medal to states that modify their mental health language in questions on licensure applications. He said we were medaled, and we should be very proud of the staff's work on that. There is such a stigma around mental health everywhere and he is happy we have modernized our application forms.

Dr. Spirtos said he wanted to thank Mr. Wade for his service. He said Mr. Wade is always professional, prepared, and ready to go, and it had been a great experience to have served on the Board with him.

Mr. Cousineau said there would be a retirement dinner the night before the meeting in September to celebrate Mr. Wade's four years on the Board.

Mr. Cousineau said he wanted to thank the Board members who participated on the Legislative Subcommittee, as well as the Board's legal staff, and especially Ms. Bradley, for all their work during the legislative session.

Dr. Frey said during legislative sessions, he receives questions from colleagues all the time regarding bills before the Legislature, and it may be beneficial to make sure all Board members are somewhat understanding of what bills the Board is supporting or opposing.

Ms. Bradley said she could send additional updates to the rest of the Board during the sessions. This past session she sent a couple of updates to them but did not know how often they wanted to receive those.

Ms. Beal said she thinks the Legislative Subcommittee members need to be mindful of verbalizing their support or opposition, especially early in the session, because it changes as the Subcommittee receives additional information.

Ms. Arias-Petrel said she thinks it would be a good idea next session to choose a day during the session for Board members to attend.

Agenda Item 35
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 36
ADJOURNMENT

Mr. Wade moved that the Board adjourn. Mr. Olivarez seconded the motion, and it passed unanimously. The meeting was adjourned at 2:11 p.m.

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