

NEVADA STATE BOARD OF MEDICAL EXAMINERS

9600 Gateway Drive
Reno, NV 89521

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



Edward O. Cousineau, J.D.
Executive Director

*** * * MINUTES * * ***

OPEN SESSION BOARD MEETING

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

and Videoconferenced to

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

FRIDAY, SEPTEMBER 12, 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
Ms. Pamela J. Beal
Irwin B. Simon, M.D., FACS
Joseph Olivarez, P.A.-C
Jason B. Farnsworth, RRT, MBA
Hugh L. Bassewitz, M.D., FAAOS
Apeksha Desai, M.D., MBA

Board Members Absent

Chowdhury H. Ahsan, M.D., Ph.D., FACC

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
Lisa Small, Deputy 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 8:33 a.m.

Mr. Cousineau took roll call. All Board members were present with the exception of Chowdhury H. Ahsan, M.D., Ph.D., FACC. Mr. Cousineau announced there was a quorum.

Dr. Spirtos introduced new Board member Apeksha Desai, M.D., MBA, and welcomed her to the Board.

Agenda Item 2

PUBLIC COMMENT

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

Karen Péna expressed her displeasure with the outcomes of the complaints she had filed with the Board.

Weldon Havins, M.D., J.D., said at the recent Nevada State Medical Association event it was mentioned that there had been a change to the investigative process in that if a complaint is made, there would be an evaluation that would not be called an investigation. He said he could not find where that had been changed in the statutes, so he wanted to clarify whether someone is considered to be under investigation once a complaint has been received by the Board and is being evaluated.

Dr. Spirtos said the Board wants to avoid a question-and-answer period during public comment, so perhaps they could discuss that at a later date.

Dr. Havins said that the Executive Director of the Nevada State Board of Osteopathic Medicine had mentioned they are still having quite a problem with the cyberattack that occurred. Dr. Havins said he noticed that the materials that are normally made available on the Board of Medical Examiners website for a meeting were not available for this meeting and said it might be of interest to know where things stand as far as public information on the website vis-a-vis the cyberattack.

Dr. Spirtos said he apologized for that and thanked Dr. Havins for the information.

Agenda Item 3

APPROVAL OF MINUTES

- June 6, 2025 Board Meeting – Open/Closed Session

Dr. Frey moved that the Board approve the Minutes of the June 6, 2025 Board Meeting – Open/Closed Sessions. Mr. Olivarez seconded the motion, and it passed unanimously.

Agenda Item 4

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

(a) The Board will review, discuss, and possibly authorize Board staff to engage in the rulemaking process pursuant to NRS Chapter 233B for regulations needed to fully implement the licensure and regulation of genetic counselors pursuant to SB189 from the 2025 Legislative Session.

Ms. Bradley explained she had written a draft of regulations for genetic counselors based on the requirements in SB189 and utilizing other existing statutes and regulations for guidance. The draft includes the regulations that the Legislature specifically tasked the Board to create, as well as regulations that the Board has in place for other license categories, for consistency. She said if the Board approves the draft, it will authorize her to start the rulemaking process. She will probably hold two workshops on this draft because this is a brand-new licensure category. Staff will collect comments from the public at those workshops, and her plan is to bring an updated draft to the Board for review at its December meeting and then send it to the Legislative Counsel Bureau for drafting.

Mr. Farnsworth said there are other areas of the Board’s regulations that should be updated with regard to practitioners of respiratory care. Ms. Bradley said that some of the updates requested by Mr. Farnsworth, and previously approved by the Board, have been done but there are about eight regulations that have been approved by the Legislative Commission, but are not yet codified, meaning that those regulations are not included in the Board’s regulation draft available on the Legislative website. Ms. Bradley will update the internal regulation draft document with those changes and provide that to the Board. Further, Ms. Bradley will bring other more general regulatory changes to the Board for review at its December meeting.

Ms. Bradley said that SB189 will be effective January 1, 2026, and the Board will be accepting applications in January; however, the regulations will likely not be effective until next summer. Individuals currently practicing genetic counseling in Nevada will have until July 1, 2026, to receive a license from the Board to continue practicing genetic counseling.

Ms. Beal moved that the Board authorize staff to proceed with the rulemaking process on these proposed regulations. Mr. Farnsworth seconded the motion, and it passed unanimously.

(b) The Board will review, discuss, and possibly authorize Board staff to engage in the rulemaking process pursuant to NRS Chapter 233B for regulations needed to fully implement limited licensure and regulation for foreign trained medical doctors pursuant to SB124 from the 2025 Legislative Session.

Ms. Bradley stated that she and Ms. Linn had collaborated to create a draft of regulations for limited licensure of foreign trained medical doctors, and that Ms. Linn had also assisted her in drafting

the regulations for genetic counselors. Ms. Bradley had reviewed information from various places to create what she hopes is reasonable and she had two conversations about these regulations with Dr. Frey, as well. The plan is to hold two workshops before the December Board meeting, and she hopes to have an updated draft for the Board to review at that meeting after receiving stakeholder input. Ms. Bradley said she has spoken with the Governor's Office of New Americans, and they have a list of approximately 120 people who are interested in this pathway to licensure. She has received inquiries from about 15 or so people, and it is likely some of those are the same people. SB124 is not effective until July 1, 2026, so we have some time to get these regulations finalized. However, it is important to get these regulations in place prior to granting licensure because a lot of the specifics regarding licensing requirements and supervision will be in the regulations. Ms. Bradley said she would really like to receive input from the Board members on these as well. Currently, as proposed in the regulation draft, the list of specialties in which these new limited license holders would be able to work are internal medicine, family practice, pediatrics, and psychiatry. After a minimum of two years of practice, these licensees will be able to apply for an unrestricted license.

Discussion ensued regarding the inclusion of psychiatry in the list of specialties.

Ms. Bradley outlined what will be required for all of these licensees, regardless of the specialty in which they are practicing, to become eligible to apply for an unrestricted license.

Discussion ensued regarding how the Board will assess and verify credentials from other countries.

Ms. Bradley described the proposed review and approval process for the applications for limited licensure and stated that all of these individuals who subsequently apply for an unrestricted license will come before the Board for approval of those applications. She said that the Board will review the written practice agreement, which is required in SB124, in order to make sure these limited license holders are not working in servitude, that they are being paid a reasonable amount, and that they are not working excessive hours. The Board wants to make sure they are not being taken advantage of and that they are able to learn. The Board wants to be sure that both the supervising physicians and the limited license holders are protected as well as possible, while also protecting the public. It is believed that there are good, well-trained, foreign-trained physicians out there who are not eligible for licensure yet, and this pathway will allow them to contribute to the community through the practice of medicine, which will be a wonderful thing, and that is the Board's goal.

Ms. Beal said it may be difficult to find psychiatry preceptors and encouraged staff to get together with the medical schools in the state to make sure that those applying for this type of licensure in the specialty of psychiatry can be successful.

Ms. Bradley said she planned to talk to the Nevada Psychiatric Association, as well as reach out to psychiatrists who assist the Board through peer reviews, to ascertain their thoughts about the inclusion of psychiatry and ensure that this pathway could be successful in this specialty.

Dr. Bassewitz stated that New Provision 37 in the proposed regulations mentions emergency medical services and emergency medicine is not one of the specialties contemplated. Ms. Bradley said the continuing medical education referenced in that provision also applies to primary care, which is also mentioned in that provision, so she would remove emergency medical services and leave primary care.

Discussion ensued regarding scope of practice for these individuals if they are subsequently granted an unrestricted license.

Dr. Frey said hopefully, alternative pathways to licensure will become simplified and unified, and this is one aspect of alternative pathways. During the session, the Legislature, as well as the Governor, were laser focused on the report that came out in March of 2025 on workforce availability in Nevada. Nevada continues to fall very short of the mark – 47th and 49th in primary care and surgical arts. Therefore, it is incumbent on the Board to draft regulations that are meaningful and help us address these shortages.

Mr. Olivarez said that physician assistants are available to help with care shortages and access to care issues and there is an opportunity in the future for the Board to work on modernizing physician assistant practice to help in these areas.

Dr. Bassewitz moved that the Board authorize staff to proceed with the rulemaking process on these proposed regulations. Ms. Arias-Petrel seconded the motion, and it passed unanimously.

Agenda Item 5

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JON LANE SIEMS, M.D., BME CASE NO. 24-13009-1

Dr. Siems was not present.

Ms. Rasul confirmed that all adjudicating Board members had received and reviewed the materials regarding this matter. She then provided procedural instruction regarding the adjudication process. She said these instructions would apply to Agenda Items 5, 7, 8 and 9, as they were all adjudications.

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

Mr. Olivarez said at a prior Board meeting, the Board found that Dr. Siems had violated a Board order to perform continuing medical education (CME), attend the PACE program, pay a fine and reimburse costs to the Board as part of the settlement agreement he had entered into with the Board. Dr. Siems made no payments on the amounts owed, the CME was performed, but it was performed late, and he never attended the PACE program. He didn't contact the PACE program until 333 days after the order was issued and then found he couldn't be accommodated. Dr. Siems did undergo an assessment through CPEP but did not pay for the assessment, so the results were not made available. Dr. Siems failed to appear at the hearing in July of 2025, and by failing to appear, that means the regulatory body may accept allegations against the licensee as true. Multiple notifications have been provided to Dr. Siems to follow through with these items, and he has repeatedly failed to do so.

Mr. Farnsworth added that the hearing officer acknowledged the significant life events Dr. Siems had experienced but found that Dr. Siems was in violation of a Board order.

Dr. Spirtos said he thought the Board had given Dr. Siems every consideration. He said settlement agreements are meant to bring an end to a dispute and Dr. Siems was not coerced to sign the Settlement Agreement he entered into. Dr. Spirtos then read the hearing officer's findings and recommendations.

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

Mr. White presented the Investigative Committee's recommendations regarding discipline in the matter, which included the following: Dr. Siems' license to practice medicine shall be revoked and

pursuant to NRS 622A.410, he shall not reapply for a new license for a minimum period of five years. Dr. Siems shall reimburse the Board for the reasonable, necessary, and actually incurred costs incurred in prosecuting this case in the amount of \$9,583.84 within 90 days of the Board's order, and Dr. Siems shall receive a public reprimand.

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

Mr. Olivarez said having reviewed the memorandum of costs and disbursements and attorneys' fees, he moved that the Board accept the total costs as reasonable. Ms. Beal seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 6

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. JON LANE SIEMS, M.D., BME CASE NO. 24-13009-1, IN ANY CIVIL OR CRIMINAL PROCEEDING, STATE OR FEDERAL, THAT IMPLICATES THE BOARD'S ADJUDICATION OF THIS CASE, TO PARTICIPATE IN, DEFEND AGAINST, OR TO INITIATE ON ITS BEHALF ANY PETITION FOR JUDICIAL REVIEW OR APPEAL THEREFROM, TO FILE A NOTICE OF APPEAL OR STATEMENT OF INTENT TO PARTICIPATE ON ITS BEHALF, TO NEGOTIATE AND SETTLE CLAIMS ON ITS BEHALF, AND TO TAKE COMPARABLE ACTIONS AND MAKE COMPARABLE DECISIONS ON ITS BEHALF

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

Agenda Item 7

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ABDOLLAH ASSAD, M.D., BME CASE NO. 24-28982-1

Lyn E. Beggs, Esq., was present with Dr. Assad as his 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 this matter.

Dr. Frey stated the Complaint in this matter alleged six counts against Dr. Assad. Dr. Frey then outlined the facts of the case and said he believed the Investigative Committee had met its burden of proof on all six counts, based upon a preponderance of the evidence and the fact that Dr. Assad stipulated to a number of facts that supported the allegations in the complaint.

Dr. Spirtos said he concurred with Dr. Frey.

Discussion ensued regarding the facts of the case.

Mr. Farnsworth said the hearing officer found that Dr. Assad committed all of the acts alleged in the Complaint.

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.

Mr. Cumings presented the Investigative Committee's recommendations regarding discipline in the matter, which included the following: Dr. Assad's license to practice medicine shall be revoked and pursuant to NRS 622A.410, he shall not reapply for a new license for 10 years. Dr. Assad shall reimburse the Board for the reasonable, necessary, and actually incurred costs incurred in prosecuting this case in the amount of \$24,517.78 within 90 days of the Board's order, and Dr. Assad shall receive a public reprimand.

Ms. Beggs said she understood and appreciated the position of the Investigative Committee as far as the recommendations in this case; however, she had some alternative recommendations. The actions in this case took place in 2020. Dr. Assad has continued to practice as a psychiatrist to an underserved population of addicts and Medicaid patients, and during that time has had no issues as far as patient care or anything of this nature ever again. She said they were requesting the Board consider a suspension of Dr. Assad's license for a period of time followed by a finite period of probation with terms and conditions that would be commensurate with the actions in this case. Should the Board not find suspension to be appropriate in this case, they would ask the Board to consider a shorter period of revocation. She said 10 years at Dr. Assad's age is basically tantamount to a permanent revocation of his license.

Dr. Assad provided a summary of his medical practice history. He said he has licenses in 3 states and had been working in Nevada for 21 years. He explained that his first-born son passed away weeks before these things occurred and then two weeks later, he got divorced. He is the only private geriatric psychiatrist in Reno and the only one who answers his own calls after hours. He is the only doctor the emergency rooms call for a consult when they have psychotic patients, and he does this for free. He has saved many, many lives by treating patients with heroin and opiate dependency. He has the only clinic in a 500-kilometer radius or more that is a psychiatric walk-in clinic. He accepts all insurance plans. One big mistake he made was that he did not seek professional help after his son passed away. He is not saying he shouldn't be punished, as he did something wrong, but if he loses his license, his patients are going to suffer.

Dr. Spirtos asked Dr. Assad if he had sought counseling or therapy at any time after these events occurred, and Dr. Assad said he had not.

Dr. Frey said he appreciated Dr. Assad's comments but feels the facts of this case stand alone. The Board is charged with a duty that it takes seriously in terms of patient protection and preserving the doctor-patient relationship and how dear that is to us in the state.

Dr. Frey moved that the Board approve the costs of \$24,517.78, as the documentation supports that they are the true costs incurred in the matter.

Mr. Olivarez seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Dr. Spirtos asked the adjudicating Board members whether they wanted to give any consideration to reducing the period of revocation of Dr. Assad's license from 10 years to a lesser number of years with the condition that he proceed with counseling.

Discussion ensued regarding whether the term of revocation should be reduced.

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

Agenda Item 8

CONSIDERATION OF REVOCABLE DELEGATION AND AUTHORIZATION BY THE BOARD TO THE GENERAL COUNSEL OF THE BOARD TO DEFEND THE BOARD'S FINDINGS, CONCLUSIONS, ORDERS AND ACTIONS IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ABDOLLAH ASSAD, M.D., BME CASE NO. 24-28982-1, IN ANY CIVIL OR CRIMINAL PROCEEDING, STATE OR FEDERAL, THAT IMPLICATES THE BOARD'S ADJUDICATION OF THIS CASE, TO PARTICIPATE IN, DEFEND AGAINST, OR TO INITIATE ON ITS BEHALF ANY PETITION FOR JUDICIAL REVIEW OR APPEAL THEREFROM, TO FILE A NOTICE OF APPEAL OR STATEMENT OF INTENT TO PARTICIPATE ON ITS BEHALF, TO NEGOTIATE AND SETTLE CLAIMS ON ITS BEHALF, AND TO TAKE COMPARABLE ACTIONS AND MAKE COMPARABLE DECISIONS ON ITS BEHALF

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

Agenda Item 9

ADJUDICATION IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. IRA MICHAEL SCHNEIER, M.D., BME CASE NO. 24-40539-1

Melanie Thomas, Esq., was present as Dr. Schneier'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 this matter.

Dr. Bassewitz outlined the facts of the case. He said he personally reviewed the images and reports and was confident in his interpretation of the studies. He then shared his opinion as to what occurred in the case. He stated he agreed with the hearing officer's findings.

Mr. Olivarez said he agreed with everything Dr. Bassewitz had said. He added that the patient kept returning, continually being symptomatic. He said following this type of surgery, even at the correct level, a patient can still be symptomatic for 18 to 24 months, or sometimes forever.

Dr. Frey said in reading the materials, it seemed to him there was a consistent failure to appropriately readdress the function and symptoms. Even if it is going to be a long-term recovery, readdressing these things is always appropriate. He said he thinks not to address it was to this physician's peril, is where things went awry in this case, and is a recurrent theme for the Board.

Dr. Bassewitz moved that the Board adopt the hearing officer's findings and recommendations.

Dr. Spirtos read the hearing officer's recommendations.

Mr. Farnsworth seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Ms. Bradley said that based on the Board's motion, the case will be dismissed, and an order of dismissal will be drafted.

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. IRA MICHAEL SCHNEIER, M.D.*, BME CASE NO. 24-40539-1, 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

This matter was not considered by the Board at this meeting as it was no longer relevant.

Agenda Item 11

CONSIDERATION OF REQUEST OF JEFFREY HOWARD KESTEN, M.D., FOR MODIFICATION OF HIS CURRENT PRECEPTORSHIP AGREEMENT

Dr. Kesten explained that he had entered into a preceptorship with Curtis Poindexter, M.D.; however, he was unable to reach Dr. Poindexter following his appearance before the Board in June 2025. He has since secured a preceptorship with John Reitano, M.D., at Delve Psychiatry, where he will be treating patients suffering with substance use disorder.

Dr. Spirtos asked Dr. Kesten whether there were any other changes to the preceptorship agreement other than the preceptor.

Dr. Kesten said the only other change is that he has pivoted from physical medicine and rehabilitation to addiction medicine.

Dr. Frey said Dr. Kesten has demonstrated proficiency and training in addiction medicine, so he thinks this is an entirely appropriate pivot and he supports the new preceptorship plan.

Dr. Frey moved that the Board approve the new preceptorship plan. Ms. Arias-Petrel seconded the motion.

Mr. Farnsworth said he applauded Dr. Kesten for his perseverance and hopes this particular preceptorship works out for him.

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

Agenda Item 12

CONSIDERATION OF REQUEST OF SAMUEL RODOLFO CHACON, M.D., FOR MODIFICATION OF THE TERMS OF THE PREVIOUSLY APPROVED SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SAMUEL RODOLFO CHACON, M.D., BME CASE NOS. 23-12762-1, 23-12762-2, 23-12762-3, 23-12762-4, 23-12762-5 AND 23-12762-6

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

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

Dr. Frey explained that Dr. Chacon's cases were adjudicated at the last Board meeting and there was a lot of public comment. He said Dr. Chacon doesn't want to pay the fees and costs until he is allowed to reapply for a license in five years. His attorney cites 10 instances where payment was delayed; however, there have also been a number of cases his attorney did not cite in which the Board did not allow that. Dr. Frey said he did not think it would not be a good idea in this particular case for the Board to change its decision and he thought the Board should deny Dr. Chacon's request.

Mr. Olivarez said he agreed with Dr. Frey. That was a very difficult settlement to come to, and it was agreed upon, so he thinks they should continue to abide by it.

Mr. Farnsworth said he agreed with both Dr. Frey and Dr. Olivarez.

Mr. Stryker said he knew the Board members had read the letter he submitted and the arguments that were presented therein. He said he understood from Dr. Frey there are a number of cases in which payment of costs was not stayed for licensees whose licenses were revoked but he doubted that number was as high as the nine they cited in their correspondence. He said it clearly seemed to be the long-standing, customary practice of the Board to stay repayment of costs until such time as reapplication is made. He said he thought the settlement in this case was the result of rushed negotiations and they were not saying this was anyone's fault, but that it was an oversight. They were requesting that the costs be stayed for the reasons set forth in their correspondence and appreciated the Board's consideration of their request.

Dr. Frey asked Mr. Stryker to help the Board understand the duration of the negotiations before the settlement occurred, and Mr. Stryker provided a timeline. He said he was not saying they were coerced but he thinks there was a bit of high pressure applied, and he thinks it was a departure from what appears to have been the customary trend of settlements reached between the Board and other licensees whose licenses were revoked.

Dr. Frey said he thought this case was extremely out of the ordinary in general.

Mr. Cumings described the settlement discussions and provided a timeline.

Ms. Bradley said she is not aware of very many settlement agreements which have included a revocation; however, those that have were, again, under terms the licensee agreed to. A settlement agreement is whatever the parties agree to. It is a bargain; it is a contract. In an adjudication, if the Board chooses to revoke a license and have the costs be paid if and when the licensee comes back, that is the Board's choice. That is not the same as a settlement with terms the parties negotiated.

Dr. Frey moved that the Board deny Dr. Chacon's request. Mr. Olivarez seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

REPORTS

(a) Investigative Committees

Dr. Frey reported that at its August 15, 2025, meeting, Investigative Committee A considered 52 cases. Of those, the Committee authorized the filing of a formal complaint in 6 cases, sent 7 cases out for peer review, requested an appearance in 1 case, issued 4 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 34 cases. He said he wanted to thank the staff and Dr. Bassewitz for their steadfast work.

Ms. Beal reported that at its August 6, 2025, meeting, Investigative Committee B considered 35 cases. Of those, the Committee authorized the filing of a formal complaint in 1 case, sent 4 cases out for peer review, requested an appearance in 2 cases, issued 6 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 21 cases. She said she wanted to thank Dr. Ahsan and Dr. Simon.

Dr. Spirtos reported that at its August 7, 2025 meeting, Investigative Committee C considered 45 cases. Of those, the Committee authorized the filing of a formal complaint in 2 cases, sent 6 cases out for peer review, requested an appearance in 1 case, issued 4 letters of concern, referred 4 cases back to investigative staff for further investigation or follow-up, and recommended closure of a total of 28 cases.

(b) Perfusionist Advisory Committee

Perfusionist Advisory Committee Member Daniel Rodriguez, MHS, CCP, FPP, said he wanted to bring to the Board's attention circumstances surrounding organ donation in the State of Nevada. On July 21, 2025, there was a federal investigation launched that surrounded the topics of premature organ retrieval and donor safety concerns. He said basically, the scope of the investigation itemized 351 cases where donation was authorized but was not completed, there were approximately 28 patients who were said to be deceased who were not actually deceased when they opened up the patient, and 73 cases where they ignored signs of life. He said out-of-state practitioners are coming into our state and harvesting organs without being licensed in Nevada and wonders if they are in violation of Nevada Revised Statute (NRS) 630.400, practicing without a license.

Dr. Spirtos asked how often this is occurring.

Mr. Rodriguez said there is not an official number, but he can say that in Nevada, probably 20% to 25% of the organs harvested are being harvested by physicians and their teams coming into our state from elsewhere.

Dr. Frey said these events usually occur in accredited facilities and the facilities sanction these events, which is something that has occurred through the decades. He said he is trying to understand how this is coming about now.

Mr. Farnsworth said it is his impression that the NRS is silent regarding some of this. We are talking about performing medical procedures and services for a person who is no longer considered alive. That is where the line is and that is why there are concerns around licensure and who can do these things. He said he sent a query to the executive team here regarding what clinical disciplines are allowed to manage mechanical life support systems, and agrees this is something the Board should take a look at. He

thinks it is important for us as a state to understand where we stand from a regulatory perspective in this arena.

Dr. Frey said there must be model legislation in statute somewhere. Ms. Bradley said she would see what there is.

Dr. Frey suggested that between now and the next legislative session, the Board may want to postulate and issue something that addresses this.

Dr. Simon asked if there were currently any allegations of a live patient in this state being declared dead. Mr. Rodriguez said there have been near misses with patients who were declared dead who were not.

Discussion ensued regarding various circumstances surrounding patients who have been declared dead who were not.

Mr. Rodriguez said the question is how we govern people who come into the state to harvest organs who are not licensed here.

Ms. Bradley said she would reach out to Mr. Rodriguez and Mr. Farnsworth before the next Board meeting to discuss this issue.

(c) Nevada State Medical Association

Jacqueline L. Nguyen, Esq., Policy Director, Interim Executive Director, of the Nevada State Medical Association (NSMA), reported that NSMA held its 121st Annual Meeting the previous weekend, at which Dr. Jay Morgan, from Reno, Nevada, was installed as President. It was the largest event NSMA has held in the Reno area. She then described the highlights of the meeting, which included recognition of Dr. Spirtos for his contributions to the medical community. Ms. Nguyen said NSMA was preparing for interim meetings with stakeholders regarding regulations. She reported that AB463, relating to prior authorization, passed during the last legislative session. The key takeaway from that bill is that previously, the timeline for prior authorization was 20 days to respond, and with passage of AB463, that 20-day window was cut down to 2 business days. She said there are some exceptions, but no matter what, prior authorization cannot be more than 7 calendar days. Ms. Nguyen said NSMA is working with the American Medical Association and other medical associations across the nation to evaluate the HR 1 impacts to our state. NSMA plans to increase its engagement with physician specialty groups both at the local and national levels and would also like to increase its engagement with students and residents, especially addressing the passage of HR1 and affordability of medical school education.

Dr. Spirtos said he would like to see NSMA and the Board work together between legislative sessions. Ms. Nguyen concurred.

Dr. Desai asked when AB463 becomes effective.

Ms. Nguyen said she would look into that and provide Ms. Bradley with the information.

(d) 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.

(e) Nevada Academy of Physician Assistants

Alyssa Nishihira, PA-C, President of the Nevada Academy of Physician Assistants (NAPA), said she wanted to introduce herself to the Board and express her desire to collaborate with the Board. She became President of NAPA as of July 2025. In October, NAPA will be changing its organizational name to the Nevada Academy of Physician Associates, which is more in line with its national organization. This year, NAPA hopes to again work collaboratively to continue to pursue excellence in the physician assistant profession in Nevada. She said as someone somewhat new to leadership and to this role, she welcomes feedback and communication from the Board.

Mr. Olivarez thanked Ms. Nishihira for coming and said he encourages NAPA and the Board to work collaboratively on anything that comes up.

Dr. Frey said we are better together for the patients of Nevada, so to the extent that NAPA can share trajectory of legislation presented earlier than later, that would be really beneficial.

Dr. Spirtos stated the Board is committed to working with NAPA.

Agenda Item 14

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MUSTAFA ISMAIL AHMED, M.D., BME CASE NO. 24-43488-1

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

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

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

Agenda Item 15

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. CHRISTOPHER MICHAEL NEVAREZ, M.D., BME CASE NO. 24-38761-1

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

Mr. Hinman stated a formal Complaint had been filed against Dr. Nevarez alleging two violations of the Nevada Medical Practice Act. He stated Dr. Nevarez had previously been disciplined by the Board in September 2022. He then outlined the terms of the proposed Settlement Agreement.

Ms. Bradley explained that the previous discipline was a settlement agreement involving prescribing. The case was a reciprocal action based on a Nevada State Board of Pharmacy action and Dr. Nevarez admitted to one count of violating statutes and regulations of the Nevada State Board of Pharmacy.

Dr. Spirtos said he was concerned that there was no admission of malpractice in the case. Ms. Beal concurred and said she did not think five hours of continuing medical education was not adequate in this case.

Mr. Olivarez said that when we talk about malpractice, we are talking about a failure to meet the standard level of care in the community. The patient came in with an eye injury following a motor vehicle accident and he thinks with an eye injury, one of the things that should be done is a visual acuity exam, which was not documented in the records, and there was also no ophthalmology consult. The patient also had orthopedic fractures, but he thinks the loss of vision was the biggest issue.

Ms. Arias-Petrel and Mr. Farnsworth said they concurred.

Ms. Farnsworth moved that the Board reject 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

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. ANDREW PHILLIPS ROGERS, M.D., BME CASE NO. 25-53360-1

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

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

Dr. Frey said he thought this was a good, balanced settlement agreement and 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 17

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. GUIDO ALBERT TORRES, M.D., BME CASE NO. 25-7212-1

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

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

Dr. Frey said he was concerned about the lack of a fine and asked if that was because Dr. Torres was no longer practicing.

Mr. Hinman said it was because it would be difficult to enforce.

Dr. Simon said he wants everyone to recognize that a bad complication, even a bad complication with a bad outcome, is not always malpractice, and said he also agrees that the Board needs to be more consistent with regard to the levying of fines.

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 18

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.

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

Agenda Item 19

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. MICHAEL BRADLEY LILYQUIST, M.D., BME CASE NO. 25-44712-1

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

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

Dr. Frey said he thought this was a simple case of wrong-site surgery and that he supported the proposed settlement agreement. He said Dr. Lilyquist is a good physician, and stalwart in the community, but you can never not do the time out and you have to do it methodically, in spite of the obviousness of it all. He then moved that the Board approve the proposed Settlement Agreement. Dr. Bassewitz seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 20

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. TIMOTHY THOMAS HAMILTON, M.D., BME CASE NO. 25-32628-1

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

Mr. Cumings stated Dr. Hamilton had previously been disciplined by the Board in 2009 for a reciprocal action in the State of Texas. He then stated a formal Complaint had been filed against Dr. Hamilton in this matter 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 the two counts of the Complaint were well-supported and he thought this was a balanced Settlement Agreement. He moved that the Board approve the proposed Settlement Agreement. Mr. Farnsworth seconded the motion.

Dr. Spirtos said complications do happen, and unfortunately, in this case, the patient expired, but the complications were recognized and addressed so he agreed with the settlement.

A vote was taken on 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. AKASH BAJAJ, M.D., BME CASE NO. 25-41428-1

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

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

Mr. Farnsworth said he thought the proposed Settlement Agreement seemed pretty straightforward and moved that the Board approve the proposed Settlement Agreement. Ms. Beal seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 22

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. OVIDIU BRESCAN, M.D., BME CASE NO. 25-11878-1

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

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

Dr. Frey said he found the sequence of events particularly concerning and thinks the count of malpractice was well-supported. Therefore, he supported the proposed Settlement Agreement.

Dr. Bassewitz said he also had issues with the handoff to the Intensive Care Unit team.

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 23

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. SACHIT PRIYA DAS, M.D., BME CASE NO. 24-33041-1

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

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

Dr. Bassewitz outlined the facts of the case. Dr. Desai said it did not appear that much of an examination had been performed, or it was not documented.

Discussion ensued regarding the facts of the case and the fact that the proposed Settlement Agreement did not acknowledge malpractice.

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

Agenda Item 24

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. BRIAN TRACY EVANS, M.D., BME CASE NO. 25-48468-1

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

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

Dr. Bassewitz outlined the facts of the case. He said he thought the proposed Settlement Agreement was fair and the admission of malpractice was appropriate. He 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 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 given the patient's family history of breast cancer, her multiple complaints of pain, and the progression in size of the cyst, she wonders what was going through Dr. Fong's mind not to make a timely referral.

Mr. Olivarez agreed. He said it was good that Dr. Fong was admitting to the count of malpractice, and he thought it was a fair settlement and moved that the Board accept the proposed Settlement Agreement. Ms. Beal seconded the motion.

Dr. Simon said the Board had nothing before it that said that this was a classic, solid breast cancer. What it had was a radiologist who was reading typical films and seeing enlargement of a cyst in a breast. The concept of a cystadenocarcinoma of the breast is very rare, so part of this really falls back on the primary who was managing this patient.

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. DIANNE MAZZU, M.D., BME CASE NO. 24-7240-1

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

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

Dr. Spirtos said he thought this case and the previous case were very similar and there was consistency between the two with respect to the fines.

Mr. Olivarez said it was good that Dr. Mazzu was admitting to the count of malpractice, which he thought was fair. He moved that the Board accept the proposed Settlement Agreement. Ms. Arias-Petrel seconded the motion

Dr. Simon said this case was not quite the same as the previous case because in this case there was a solid mass with spiculations present and this was a very significant miss by the radiologist. Dr. Desai concurred.

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

Agenda Item 27

CONSIDERATION OF SETTLEMENT AGREEMENT IN THE MATTER OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS VS. JUNG-TAEK YOON, M.D., BME CASE NO. 24-30931-1

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

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

Dr. Desai asked whether a case had been filed against the physician assistant who was involved in the treatment of the patient. Mr. Shogren said that one had and the case had already been settled.

Mr. Olivarez outlined the facts of the case. He said Dr. Yoon was admitting to the count of malpractice and moved that the Board accept the proposed Settlement Agreement. Mr. Farnsworth seconded the motion, and it passed, with all adjudicating Board members voting in favor of the motion.

Agenda Item 28

EXECUTIVE STAFF/STAFF REPORTS

(a) Investigations Division Report

Mr. Diaz reported that from June 5, 2025, through September 10, 2025, the Investigations Division received a total of 466 complaints. Of those, 186 cases were opened as formal investigations, 169 were not within the Board's jurisdiction, 66 were referred to other agencies and regulatory bodies, 15 were resolved through proactive measures, and 22 were either still pending review or were duplicate complaints. The total case count was 229, for an average of 33 cases per 8 investigators, which includes 3 supervisors. There was a total of 26 peer reviews, 10 of which had been assigned and 16 of which were pending assignment to a peer reviewer. There were 17 licensees in compliance or diversion. Mr. Diaz thanked the Investigations Division staff and said he thinks the process is working very smoothly with the Board's support.

(b) Quarterly Compliance Report

Ms. Jenkins reported that for the second quarter of 2025, the total outstanding costs were \$247,737.91 and the total outstanding fines were \$92,549.55. Total costs collected during the quarter were \$47,752.14 and total fines collected were \$23,656.52. Also included in the report, for the Board's reference, are the total costs and fines collected during the previous quarter as well as the total costs and fines collected in 2024.

(c) Quarterly Update on Finances

Ms. Jenkins stated the Balance Sheet reflects the assets and liabilities of the Board. She then highlighted the various sections of the Balance Sheet for the quarter ending June 30, 2025. The total current assets were \$16,344,000 and the total assets were \$22,072,700. The total current liabilities were \$11,438,300, with total liabilities and net position of \$22,072,700. The year-to-date addition to net income or net position of the Board is rounded to \$915,900.

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 28.6 % over budget. In the expense section, the personnel expense was under budget by 1.4% and total expenses were 3.1% over budget. The interest income for the quarter was \$21,841, and the total addition to net position for the quarter is rounded to \$491,700. The reserves of the Board were at nine months.

Ms. Jenkins reported the Finance Team processed more than 17,000 transactions and over \$11,000,000 during the second quarter of 2025, which was the license renewal period for the Board, and said she is very proud of the Finance Assistants, Chell and Hannah, and the great work that they do.

Ms. Jenkins stated the Board's independent financial audit is underway, and we expect to receive a finalized audit for 2024 by the December Board meeting. The Board's independent financial audit firm is waiting for the final post-retirement benefit valuation from the Public Employees Benefits Program to complete the final adjustments to that report.

Dr. Spirtos asked Ms. Jenkins for her estimate of what the final post-retirement benefit adjustment would be, and she said she thought it would be several hundred thousand dollars. She said the Board's financials look very good and she estimates they will stay at a positive.

Ms. Arias-Petrel said she wanted to recognize and thank Ms. Jenkins' for her hard work. Managing the Board's budget is a lot of work and takes a lot of skill.

(d) Legal Division Report

Ms. Contine reported the Legal Division had a current total case count of 86 cases. Of those cases, formal complaints had been filed in 55 and there were 31 in the queue to be filed. She said in this quarter, the Legal Division filed 8 complaints and resolved 15 cases, including 13 settlement agreements and 3 adjudications, and there were 3 formal complaint hearings. The Legal Division received 10 cases from the August Investigative Committee meetings and issued 21 letters of concern.

Dr. Spirtos said he thought this was impressive and thanked Ms. Contine for the Legal Division's efforts.

Agenda Item 29

LICENSURE RATIFICATION

- Ratification of Licenses Issued, Reinstatements of Licensure and Changes of Licensure Status Approved Since the June 6, 2025 Board Meeting

Dr. Frey moved that the Board ratify the licenses issued, reinstatements of licensure and changes of licensure status approved since the June 6, 2025, Board Meeting. Mr. Farnsworth seconded the motion, and it passed unanimously.

Agenda Item 30

APPEARANCES FOR CONSIDERATION OF ACCEPTANCE OF APPLICATIONS FOR LICENSURE

(a) Samuel Jeffrey Gerson, M.D.

Dr. Spirtos asked Dr. Gerson 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 Dr. Gerson was a board-certified emergency medicine physician who recertified in January of 2023 and who also has a certification in undersea and hyperbaric medicine. He is actively licensed in the state of California. He asked Dr. Gerson if he was currently practicing emergency medicine.

Dr. Gerson said he currently worked in an urgent care clinic so that qualifies in his mind.

Dr. Frey asked when Dr. Gerson last worked in an emergency department, and Dr. Gerson said it was probably in 2015.

Dr. Frey said one of Dr. Gerson's stated goals in obtaining a license in Nevada was to practice emergency medicine.

Dr. Gerson said that was one of the reasons he was interested in obtaining a license in Nevada. There are more opportunities in Nevada than there are in southern California. However, at this point, he doesn't know whether he will ever make the transition back to emergency medicine.

Dr. Frey asked Dr. Gerson whether his current primary area of practice was in men's wellness. Dr. Gerson said his primary job was as an urgent care physician and secondarily he owns a men's health clinic in California.

Dr. Frey stated that Dr. Gerson had been arrested, had criminal convictions, and had programmatic issues with Medicare and Medicaid in the past and outlined Dr. Gerson's disciplinary history with the Medical Board of California. Dr. Frey said he was worried about people who are overtaxed who have an addictive personality and an addiction history and are not currently in a program to make sure they are staying clean.

Dr. Gerson said all the disciplinary history Dr. Frey mentioned really stemmed from what he would call the "original sin" in 2012. Since then, he has been sober and has not had any other legal issues. He has held an unrestricted license in California for the last five years without any issues.

Dr. Frey asked whether Dr. Gerson was maintaining any sobriety activities.

Dr. Gerson said not any that are documented or on an official record, but it is basically part of his daily life at this point. He attends various meetings and is on regular medication for his depression. He said his life is very different now from what it was in 2012.

Dr. Frey said sobriety was not a centerpiece to him in terms of concern. It is just nice to know when people have an ongoing plan of care to maintain their sobriety.

Dr. Frey said he was trying to understand what Dr. Gerson intends to do with a license in Nevada. Dr. Gerson has not practiced in an emergency department in 10 years, and his application says clearly that his practice plans are to continue working in emergency medicine, which he is not doing.

Dr. Gerson said he didn't necessarily distinguish between urgent care and emergency medicine. When he was training, they were intertwined. He still refers to himself as an emergency medicine physician, he has gone through the training, and he has the experience. He hasn't made a decision yet as to whether he is going to pursue working in a designated emergency department, but it would be much easier for him to reintegrate in Nevada than it would be in California, just based on opportunities. He asked why this was of concern.

Dr. Frey said it was about disclosure. He said he is a board-certified emergency physician as well and he draws a clear distinction between an urgentologist and an emergency physician. So, when Dr. Gerson says he wants to come to Nevada and practice emergency medicine and he hasn't practiced emergency medicine for 10 years, there is clearly another intent and that seems to be on the men's health side. There are scope of practice issues that sometimes creep in with men's health.

Dr. Gerson said he had already sworn he would not practice outside of his scope.

Dr. Frey asked Dr. Gerson to describe his training in using ultrasound to diagnose and treat erectile dysfunction, and Dr. Gerson said he had been trained by the manufacturer on how to use the device and had been using it for the last five or six years. Hormone replacement is primarily what they are performing in his clinic.

Ms. Beal asked Dr. Gerson to clarify what he planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Gerson said he is considering moving to Nevada to have options outside of California.

Dr. Spirtos said it seemed incongruent that Dr. Gerson could simultaneously practice emergency medicine, start a men's health clinic and open a mobile wound care operation and the Board was just trying to understand his intent.

Dr. Gerson said he did not have a clear-cut plan. He just wanted to have the ability to practice outside of California. He said if the Board's intent was to impose any restrictions or rules on him beyond what a normal applicant would get, he would respectfully decline to be licensed in Nevada.

Dr. Spirtos asked Dr. Gerson whether he was currently operating a mobile wound care operation, and he said he was not.

Dr. Spirtos asked Dr. Gerson whether he would be open to a preceptorship if he decided to return to emergency medicine, and Dr. Gerson said he would; however, it may not be something that is reasonable or possible just because of the amount of time he has been out of it.

Dr. Frey explained that these are questions that are normally posed to applicants on a regular basis, and the Board is somewhat hypersensitized to scope-of-practice issues. He said he is supportive of individuals who are trying to rebrand themselves and move forward from the past.

Mr. Farnsworth moved that the Board grant Dr. Gerson's application for licensure. Dr. Desai seconded the motion, and it passed, with Dr. Frey, Ms. Arias-Petrel, Ms. Beal and Dr. Bassewitz voting against the motion and the remaining Board members voting in favor of the motion. Dr. Gerson subsequently withdrew his application.

(b) Robert Richard Crosbie, M.D.

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

Dr. Crosbie summarized his medical education and training, as well as his practice history. He said he had been practicing integrative medicine for the past six years and has worked in several states. If granted a license in Nevada, he plans to practice primary care in a clinic.

Dr. Spirtos stated Dr. Crosbie was applying for licensure by endorsement because he does not have 36 months progressive postgraduate training. He said licensure by endorsement is usually reserved for those who practice in areas of extreme need and are in many ways qualified but may not have a current exam.

Ms. Beal said if the clinic that Dr. Crosbie planned to work for is a Federally Qualified Health Center (FQHC), that may qualify Dr. Crosbie for licensure by endorsement. Dr. Crosbie said he did not know whether it is.

Dr. Spirtos asked when Dr. Crosbie last took an exam.

Dr. Bassewitz stated it was on May 17, 2019.

Dr. Spirtos said if the clinic he planned to work for is a FQHC, Dr. Crosbie could come back and the Board could consider granting him a license; however, without that, it would be very difficult in that he has no training in a primary care specialty and no recent examination.

Mr. Cousineau suggested the Board table Dr. Crosbie's application to allow him time to obtain information regarding whether the clinic in which he plans to practice is a FQHC.

Ms. Beal said she is pretty sure the clinic is not a FQHC; however, there are FQHCs that would be more than happy to have Dr. Crosbie's service and suggested that he look into that. Dr. Bassewitz stated the Special Purpose Examination (SPEX) would be a way to reinforce Dr. Crosbie's competency in the clinical world. Dr. Desai asked about a preceptorship. Dr. Frey said he thought it was too early for that.

The Board tabled consideration of Dr. Crosbie's application.

(c) Richard Brandt Green, M.D.

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

Dr. Simon stated that Dr. Green is a board-certified anesthesiologist who has had one significant lawsuit in his lifetime and another minor one. He said the biggest reason he was appearing before the Board was an arrest in 2012 for DWAI. Dr. Green subsequently entered into a stipulation with the Colorado Medical Board and after a number of years of sobriety, the stipulation was terminated in 2020. Dr. Simon asked Dr. Green how many years sober he was at this point.

Dr. Green said he occasionally has wine with dinner.

Dr. Green described the circumstances surrounding his arrest and said he sought help after that. He said he hasn't been under treatment for probably seven years and is not taking medication for depression.

Dr. Simon questioned Dr. Green regarding his affirmative response to Question 16 on his application for licensure.

Dr. Green described the circumstances surrounding a professional review action related to workplace behavior at the Medical Center of Aurora.

Dr. Simon asked Dr. Green what he planned to do if granted a license to practice medicine in the State of Nevada, and Dr. Green said he hopes to do locums work here.

Dr. Simon asked Dr. Green if he was an alcoholic.

Dr. Green said he doesn't believe he is an alcoholic. He believes he abused it when he was depressed and going through marital problems.

Dr. Frey said Dr. Green had participated in the Colorado Physician Health Program for five years with no infractions. He asked Dr. Green whether he would be amenable to participating in another monitoring program for a year. Mr. Cousineau said if he agreed to that, it would be a condition on his license. Dr. Green said he would prefer not to have a condition on his license.

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

Ms. Beal left the meeting at 2:08 p.m.

(d) Vipul Raman Dev, M.D.

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

Mr. Farnsworth summarized Dr. Dev's medical education and training and said Dr. Dev was applying for licensure by endorsement because he has not taken a major examination in the last 10 years and he declined to take the Special Purpose Exam (SPEX).

Dr. Dev said he does not want to study for an exam at this age. He thinks he could practice what he does now very well and very competently without taking SPEX.

Mr. Farnsworth said Board staff was unable to obtain a Form 2 from Dr. Dev's general surgery residency; however, the Board received a letter from Kern Medical Center stating that he satisfactorily

completed his training. He asked Dr. Dev whether he had a certificate of completion for the residency program.

Dr. Dev said he is sure he has it, but his office doesn't know where it is. He usually makes copies of everything, and he will search for it. Mr. Farnsworth said Board licensing staff had articulated that they repeatedly requested that certificate from Dr. Dev, so it is important he provide it if it is available.

Mr. Farnsworth said there had been three malpractice cases filed against Dr. Dev which were dismissed; however, with regard to one of the cases, Dr. Dev provided a settlement agreement which did not include the amount of money that was tied to that settlement. Dr. Dev explained he was named in the lawsuit but was not the person involved and he was dismissed from the case. Another physician in his office was the responsible surgeon but neither one of them were the parties responsible for the alleged malpractice – it was a radiologist who didn't diagnose the patient's issue. To his knowledge, there was no payout.

Mr. Farnsworth said Dr. Dev had stated in his application that he is developing a nationwide comprehensive wound care program and his major functions would be as a consulting plastic surgeon and an administrator. He asked Dr. Dev to elaborate on what his plans were if granted a license to practice medicine in the State of Nevada.

Dr. Dev provided a summary of his training in plastic surgery and his wound care practice history. He started a wound care practice that has done really well, and it is a surgically based wound care practice. After about 18 years, they want to expand the program. They want to take some of the programs out of the hospital and create community-based wound care programs that are working directly with primary care physicians, particularly in general practice, internal medicine and endocrinology for heavily populated areas that don't have access.

Mr. Farnsworth explained that licensure by endorsement is typically reserved for special cases when the State of Nevada has a specific need. He said the question comes down to whether there is a need for wound care and reconstructive surgery in Nevada. Nevada is experiencing a severe shortage of reconstructive plastic surgeons, which is part of a larger, well-documented healthcare provider deficit in the state. Therefore, he thinks having someone with Dr. Dev's unique qualifications would be beneficial to the State of Nevada.

Dr. Bassewitz asked Dr. Dev if he was board certified in either general surgery or plastic surgery. Dr. Dev said he was not and was no longer board eligible.

Dr. Bassewitz asked Dr. Dev if he was planning to perform surgery in the State of Nevada, and Dr. Dev said he was not because you have to be present all the time to do that and he is only planning to move to Nevada on a part-time basis.

Dr. Spirtos stated he had grave concerns with the fact Dr. Dev is not board certified. He said the Board was being asked to make an exception in almost every aspect with regard to granting an unrestricted license with the intent of providing plastic reconstructive surgery, when frankly, he could do anything he wanted to in that area, without the certification the Board is asking everyone else to have and it is also unlikely he will be able to obtain hospital privileges. He said there are pathways for Dr. Dev to obtain board certification.

Dr. Dev said this is why he wouldn't operate or seek hospital privileges in Nevada. The reason he wants a license in Nevada is to make sure the clinic they start is being overseen by someone who has a license to practice medicine in the state.

Mr. Farnsworth moved that the Board decline to grant Dr. Dev a license by endorsement. Dr. Frey seconded the motion, and it passed unanimously.

Mr. Cousineau stated this was not punitive and is not a reportable event. He said if Dr. Dev were to come back and have passed SPEX, he thinks he would probably get a license.

(e) Maurice Beer, M.D.

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

Dr. Bassewitz summarized Dr. Beer's medical education and training and stated Dr. Beer has a lifetime certification from the American Board of Internal Medicine. He asked Dr. Beer what he does to stay up to date.

Dr. Beer said he is fascinated by medicine and studies and reads all the time. His malpractice carrier requires certification and evidence of continuing medical education, which he always does in excess of the requirements.

Dr. Bassewitz questioned Dr. Beer regarding his affirmative response to Questions 5 and 6 on his application for licensure.

Dr. Beer described the circumstances surrounding the two malpractice cases that had been filed against him that resulted in settlements.

Dr. Bassewitz asked Dr. Beer to describe his current practice and what he planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Beer said his practice is general internal medicine and functional medicine. The latter is a relatively new field where they look for underlying causes and usually adopt a lifestyle approach to treating patients. He is also the Medical Director of an IV therapy company, and they have a couple of centers in Las Vegas. He said he wants a license in Nevada because they are constantly evolving programs and as Medical Director, he wants to be able to participate with the staff in Nevada on procedures and policies for their practice. He will likely not practice in person in Nevada. He may practice remotely. These days, a lot of his practice is by telemedicine.

Dr. Frey asked who the current Medical Director for the clinics in Las Vegas was, and Dr. Beer said it was a nurse practitioner.

Dr. Spirtos asked Dr. Beer whether his company would be advertising that their infusions are going to improve people's immune response, particularly to any cancer or any objective antigen. Dr. Beer said they don't advertise that sort of thing. They do not make any guarantees or promises. They simply assess people and make recommendations based on their symptom profile as to what they think would be most helpful for them.

Dr. Spirtos asked Dr. Beer how they are assessing immune response. Dr. Beer said basically it is assessed by the patient's history.

Dr. Bassewitz moved that the Board grant Dr. Beer's application for licensure. Mr. Olivarez seconded the motion, and it passed, with Dr. Spirtos and Dr. Frey voting against the motion and all other Board members voting in favor of the motion.

(f) Barie Jessica Miller, M.D.

Matthew Durham, Esq., was present with Dr. Miller as her legal representative.

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

Mr. Olivarez summarized Dr. Miller's medical education and training. He then questioned Dr. Miller regarding her affirmative response to Questions 5 and 6 on her application for licensure.

Dr. Miller described the circumstances surrounding the two malpractice cases that had been filed against her.

Mr. Olivarez asked Dr. Miller what she planned to do if granted a license to practice medicine in the State of Nevada.

Dr. Miller said she planned to practice telehealth and would not work in Nevada in person.

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

Agenda Item 31

DISCUSSION AND POSSIBLE ACTION REGARDING INTERNAL DISCIPLINARY GUIDELINES FOR FINES

Ms. Bradley explained that the current guidelines were approved by the Board in December of 2024. The maximum fine allowed by statute used to be \$5,000 and in 2023, it was increased to \$10,000, so staff updated these guidelines. She explained the guidelines are used when working through settlements, as well as for disciplinary recommendations for adjudications. If a license is revoked or a licensee surrenders his or her license, we do not usually assess a fine unless there has been an egregious act. Also, if someone has a financial hardship, community service may be assessed at a rate of \$200 per hour in lieu of a fine. If there is a deviation from the guidelines, it is documented in the case file by the attorney.

Dr. Spirtos said having the disciplinary history is helpful when considering settlement agreements; however, in looking at the fines schedule and the settlements that were before the Board at this meeting, it appears the fines were not consistent.

Ms. Bradley explained the guidelines contain plus/minus factors as well, which can affect the amount of the fine imposed in a particular case.

Mr. Farnsworth said at one of the breakout sessions at a Federation of State Medical Boards (FSMB) meeting he attended, there was a lot of dialogue on this topic and standardized approaches to imposition of disciplinary action. He asked whether we had run our guidelines by any other states for comparison.

Ms. Bradley said one of the problems with that is that not all states have the same thresholds as we do, and our guidelines are based on our specific thresholds. She said she thinks other states probably use similar methodology.

Mr. Farnsworth said when you look at other organizations, or in this case other states, you almost always find something beneficial and suggested that we reach out to FSMB and request comparative guidelines.

Mr. Cousineau said staff could reach out to FSMB with that request. However, as Ms. Bradley stated, laws in other states are often incongruent. He said he wanted to stress that the system is not perfect and we do the best we can as far as what we think will be reasonable in the eyes of the Board, and he thinks we have a really good model. He said Ms. Bradley and Ms. Contine will put something together for the Board, but he wanted to make sure it is very clear this should not be something the Board should be bound by. It should be just another tool in the toolbox.

Dr. Spirtos asked that staff address suspension versus revocation and the implications of each. Ms. Bradley said staff would be happy to provide disciplinary action training; however, the short answer is with a suspension, the person still has a license and there is a set time frame when it will be reactivated, and the person gets it back automatically.

Mr. Cousineau said with a revocation, the licensee loses the license and must reapply for a new license, as if the person had never been licensed before, and those applicants must appear before the Board every time.

Ms. Bradley said with suspensions, her legal advice has always been that, generally, a suspension should be for a finite period of less than 1 year. The reason for this is that revocations are for a minimum of 1 year and a maximum of 10 years, and suspensions should be for a lesser time frame.

Ms. Contine described the process for analyzing and negotiating a settlement agreement in a case. She said the Investigative Committee that considers the case receives a written request that contains the background of the case and an analysis of the proposed terms of the settlement agreement. That document and every response from the Investigative Committee members is part of the case file.

Ms. Bradley explained that sometimes a fine is not as high because the costs are really high. We prioritize reimbursement of the Board's costs because those are costs the Board is paying. Fines go to the General Fund, and they are credited to an account that helps medical education in the state. That is a great thing that we did in 2023, at Dr. Frey's suggestion. She said if a Board member has a question regarding the terms of a proposed settlement agreement, they may call the Board attorney on the case because the licensee has signed a waiver allowing that. She said we cannot do that on an adjudication. Those recommendations are based upon communication between the Investigative Committee and the Board attorney.

Ms. Bradley explained these guidelines resulted from a legislative audit. The legislative auditors were concerned about consistency of Board fines and the Board's rationales behind fine amounts and asked us to draft this. She said staff would be happy to change the guidelines if the Board thinks we should. She said she had spoken with Dr. Spirtos, and he may also want to develop guidelines for when recommendations of suspension, probation or revocation may be most appropriate. She said staff could prepare that and bring it to the Board in December, if the Board members so desired.

Mr. Cousineau said that rather than a matrix, he thought it may be more valuable to provide training regarding the disciplinary action process and the disciplinary options available, such as suspension, probation and revocation, as well as summary suspension. Additionally, at the last meeting, Dr. Spirtos mentioned the potential for Board members to sit in on a formal hearing to see the process, and he thinks there is value in that.

Dr. Simon suggested that once written guidance and training materials have been finalized, they be placed in Govenda so the Board members will have access to them for reference.

Agenda Item 32

CONSIDERATION AND APPROVAL OF PROPOSED 2026 BOARD MEETING SCHEDULE

Mr. Cousineau stated the proposed meeting schedule for 2026 was similar to that of previous years, with the quarterly meetings in March and June on the first Friday of the month. He noted that the September Board meeting is scheduled for later in the month because Labor Day next year falls on September 7. The December meeting is also pushed out a week later due to the Thanksgiving holiday.

Ms. Arias-Petrel moved that the Board approve the proposed 2026 meeting schedule. Dr. Spirtos seconded the motion, and it passed unanimously.

Agenda Item 33

NEW BUSINESS

Dr. Bassewitz said it appears there may be a special session of the Legislature.

Mr. Cousineau said if that occurs and the Board needs to hold a telephonic meeting to address anything that arises during the session, we can do that.

Agenda Item 34

STAFF COMMENTS/UPDATES

Mr. Cousineau said the Governor had appointed a replacement for outgoing Board member Eric Wade. He said her name is Kathleen Conaboy, and she is a retired lobbyist who worked at McDonald Carano. He received her notice of appointment the previous Monday and her appointment was effective September 1.

Dr. Bassewitz said he knows Ms. Conaboy very well. When he was President of the Nevada Orthopaedic Society, she was their lobbyist and their Executive Director. She had worked at the University of Nevada, Reno School of Medicine before going into lobbying. He said they worked together very closely for years, and he thinks she is phenomenal. Dr. Frey said he also knows Ms. Conaboy well.

Ms. Bradley said the Board was invited to participate in the first Annual Physician Wellness Summit at the University of Nevada on September 22, at 5 p.m. They are expecting about 100 people to attend, and she thinks they are hoping to make this a regular event.

Ms. Bradley said the Board had received recognition for making sure its application forms do not contain the mental health questions that are troubling.

Agenda Item 35

ELECTION OF OFFICERS AND APPOINTMENT OF INVESTIGATIVE COMMITTEE MEMBERS

Mr. Cousineau asked for nominations for President. Ms. Arias-Petrel nominated Dr. Spirtos. Dr. Bassewitz seconded the nomination. No other nominations were received. Dr. Spirtos was elected President by acclamation.

Mr. Cousineau asked for nominations for Vice President. Ms. Beal nominated Dr. Frey. Dr. Spirtos seconded the nomination. No other nominations were received. Dr. Frey was elected Vice President by acclamation.

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

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

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

Agenda Item 36
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 37
ADJOURNMENT

Mr. Farnsworth moved that the Board adjourn. Dr. Bassewitz seconded the motion, and it passed unanimously. The meeting was adjourned at 3:31 p.m.

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