

NEVADA STATE BOARD OF PODIATRY

BOARD MEETING MINUTES OF March 8, 2021

1. *Call to order, roll call of members, and establish quorum.*

The meeting was called to order at 5:31 p.m. by Dr. Douglas Stacey, President.

Board Members present: Dr. Douglas Stacey, President;

Dr. Kenneth Jarvis, Vice-President

Dr. Christine Clark, Secretary/Treasurer;

Dr. Katheryne Glantz, Board Member;

Donna Baushke, Board Member

Non-Members present: Carolyn J. Cramer, Esq., Executive Director; Richard Dreitzer, Esq. Board Counsel; Heather Lunsford of Carrara Nevada

Absent: None

Members of the public present: George R. Vito DPM; Ira Weiner, DPM; Mario A. Pacada DPM; Mark Miller, DPM; Denise Tropea, DPM; Andrew Kerr of Thentia

2. *Public comment.* No members of the public present at this time.

3. *Review and approve the February 8, 2021 Board of Podiatry meeting minutes.*

Motion to approve the meeting minutes as written made by Board Member Baushke

Second to motion Board Member Dr. Glantz;

Motion passes unanimously

4. *Review and approve the financial status of the Board for February 2021.*

The report was given by Secretary/Treasurer Dr. Clark on the financial activities and questions were taken from the Board members regarding the review of the financial activity memo and financial statements. Secretary/Treasurer Dr. Clark reported that the checking account balance was \$ 4,039.12 and the money market was approximately \$162,502.08. All bills have been paid. Executive Director Cramer reported that maybe \$4,000.00 should be moved to meet the necessary expenses of the Board.

Motion to approve the finances of the Board for February 2021 made by Board Member Dr. Glantz;

Second to motion Board Member Baushke;

Motion passes unanimously

Motion to approve the transfer of \$4,000.00 from the money market to the checking account made by Vice-President Dr. Jarvis;

Second to motion Secretary/Treasurer Dr. Clark;

Motion passes unanimously

5. *Review and discuss the activities of the Board office and all matters relating thereto.*

Executive Director Cramer indicated the following had occurred since the last Board Meeting:

- There are 157 active podiatric physicians. One new podiatric physician license has issued since the last Board meeting.
- No new complaints have been received.
- There are 43 licensed podiatry hygienists. One new podiatry hygienist license has issued.

6. Review, discussion and potential action regarding legislative matters, and the 81st (2021) Session report given by Carrara Group LLC 5:45 p.m. via telephone

Heather Lunsford of Carrara Nevada gave an overview of the progress of the 81st (2021) Session and the effects that Covid-19 have presented to the Staff of the LCB in meeting their deadlines. Approximately 600 bills need to come from the LCB staff for the committees to do their work. Presently, it is projected that the Legislative building may open to the public for limited purposes in April. Ms. Lunsford spoke about SB 90. This item was a report only.

7. Review, discussion and potential action to form a legislative committee and additional matters for compliance with the February 5, 2021 memorandum issued by Rosalie Bordelove, Chief Deputy Attorney General, Boards and Open Government Division (Discussion/For possible action) Carolyn Cramer, Executive Director.

Board staff gave an overview of the issue and has fulfilled the function of the legislative committee in the past but now the Nevada Attorney General's office is recommending that at least one board member be delegated the authority of the Board to act on its behalf before the Nevada Legislature. There was a brief discussion as to what the duties of the legislative committee would be. Board Member Dr. Glantz thought that the President should fill this roll. Vice-President Dr. Jarvis recommended that President Dr. Stacey volunteer. President Dr. Stacey accepted

Motion to delegate authority to appear before the Nevada Legislature for the 81st (2021) session to President Dr. Stacey made by Vice-President Dr. Jarvis;
Second to the motion Board Member Dr. Glantz.
Motion passes unanimously

8. Review, discussion and potential action regarding bills to be tracked for the 81st (2021) Session (Discussion/For possible action) Carolyn Cramer, Executive Director

The bill tracking sheet that was provided to the Board was not working properly and the information could not be accessed so this matter was continued to be returned to the Board after the issues are worked out with the tracking sheet.

9. Review, discussion and potential action including approval or denial of application of George R. Vito D.P.M. Possible closed session for the Board to discuss the character, professional competence, alleged misconduct, or physical or mental health of the person as allowed under NRS 241.030. (Discussion/For possible action). Carolyn Cramer, Executive Director

After this matter was continued from the last meeting to give the Board the opportunity to consider the matter, Dr. Ira Weiner, DPM submitted an email explaining to the Board how Dr. Vito will practice in Nevada. Board Member Baushe asked that this be made a

part of the public record. Dr. Vito and Dr. Weiner were present to answer questions. Board Counsel Dreitzer asked President Dr. Stacey to explain why Dr. Vito may want this matter to be discussed in closed session. Dr. Vito asked that the matter be held in public session.

Board Member Baushke asked President Dr. Stacey if the scope of practice that was referenced in the email was acceptable in Nevada. President Dr. Stacey said that it was.

Motion to approve the application of George R. Vito D.P.M. made by Vice-President Dr. Jarvis;

Second to the motion Secretary/Treasurer Dr. Clark.

Motion passes unanimously

- 10. Review, discussion and potential action including approval or denial of application of Mario A. Pacada D.P.M. Possible closed session for the Board to discuss the character, professional competence, alleged misconduct, or physical or mental health of the person as allowed under NRS 241.030. (Discussion/For possible action). Carolyn Cramer, Executive Director**

Board Staff has made a written submission to the Board with a recommendation for Board approval of Dr. Pacada's license subject to three years of probation with active monitoring and other terms and conditions outlined in the staff memo. The written submission was authored by Executive Director Carolyn Cramer.

Appearing with Dr. Pacada were Dr. Mark Miller and Dr. Denise Tropea. President Dr. Stacey asked Dr. Pacada if he would like the Board to proceed in closed session because sensitive items of character, professional competence and alleged misconduct may be discussed. Dr. Pacada elected to proceed in public session.

Board Member Baushke asked Dr. Pacada whether he had applied for licensure in other states and why he applied in Nevada. Dr. Pacada replied that he had not applied in other states and that he applied in Nevada because he had developed a business relationship with Dr. Miller. Board Member Baushke began asking specific questions about the accusation from the California Board of Podiatry and Dr. Pacada stated concerns about answering her questions because at some time he wants to challenge the California accusation and he knows that if he says anything it could be used in those future proceedings. Board Counsel Dreitzer advised that any specific questioning on the accusation itself could violate Dr. Pacada's constitutional right against self-incrimination because the matter with the California Board had yet to be litigated. Dr. Pacada added that he surrendered his license because he did not have the funds to address the matter at this time.

Board Member Dr. Glantz asked whether Dr. Pacada would be prescribing controlled substances in Nevada. Executive Director Cramer answered that the staff memo asked that Dr. Pacada during the probationary period not be able to prescribe, possess, or administer controlled substances. Additionally, Board staff will contact the Prescription Monitoring Program to make sure that Dr. Pacada does not prescribe any controlled substances. Dr. Denise Tropea would be acting as his practice monitor as well as Dr. Miller whose practice Dr. Pacada will be working in. Board Member Dr. Glantz also asked about Dr. Pacada's professional activities since he surrendered his license. Dr.

Pacada explained that he had been acting as a consultant and working at a hospice assisting with business development.

Secretary/Treasurer Dr. Clark asked whether Dr. Pacada would have his own malpractice insurance or would be working under Dr. Miller's insurance. Dr. Miller answered that Dr. Pacada would have his own malpractice insurance.

Vice-President Dr. Jarvis asked if Dr. Pacada had taken and passed Part III of the National Exam. Vice-President Dr. Jarvis remarked that it was a difficult exam and he personally felt it was more difficult than many Board exams. Dr. Miller answered that Dr. Pacada had taken and passed it in December.

President Dr. Stacey expressed his concern that he did not have enough answers with the California matter not being addressed and potentially, never addressed. President Dr. Stacey stated that the President of the California Board of Podiatry, Michael Zapf, is a person he respects, although he knows Dr. Miller and Dr. Tropea as well. President Dr. Stacey recommended that the Board wait until the California Board matter is decided before licensure is considered.

Board Counsel Dreitzer clarified his earlier advice but stated that Dr. Pacada would be under supervision of two Nevada licensed podiatric physicians, Dr. Miller and Dr. Tropea, and that if the Board was inclined to deny the application for licensure that the denial needs to be related to the practice he would be engaged in Nevada.

President Dr. Stacey again recommended that the Board continue the application until the matter in California is resolved.

Motion to approve the application of Mario A. Pacada D.P.M. with the conditions outlined in the Staff memo made by Vice-President Dr. Jarvis;
Second to the motion Board Member Dr. Glantz.
Voice vote in favor, Vice-President Dr. Jarvis, Secretary/Treasurer Dr. Clark and Board Member Dr. Glantz;
Voice vote against, Board Member Baushke
Silent was President Dr. Stacey
No abstentions

11. Review, discuss and presentation of Thentia. (Discussion/For possible action)

Executive Director introduced Andrew Kerr of Thentia who gave a demonstration of the product. The presentation was approximately five minutes in length and some questions were taken from the Board members.

12. Future Agenda Items

- a. Review and approve March 8, 2021 Board meeting minutes.
- b. Review and discuss financial status of the Board and all matters relating thereto.
- c. Review and discuss activities of the Board office and all matters relating thereto.
- d. Review and discuss Legislative Update and all matters relating thereto.
- e. Review and discuss process for addressing Covid-19 situation
- f. Review, discuss and presentation by Certemy and Thentia
- g. Review and discuss cost and expense of licensing software.

- h. Review and discuss the process for recovery of restitution from a prior executive director
- i. Review, discuss and potential action regarding bills to be tracked for the 81st (2021) legislative session

Motion to approve the list of future agenda items was made by Board Member Dr. Glantz

Second to motion Vice-President Dr. Jarvis;
Motion passes unanimously

13. Discussion, possible decision on date of next Board meeting.

The next Board meeting is scheduled for April 5, 2021 at 5:30 p.m. in Reno, Nevada with tentative meeting dates approved for May 3, 2021, and June 7, 2021, all at 5:30 p.m.

Motion to approve the date of the next meeting made by Vice-President Dr. Jarvis;
Second to the motion Board Member Dr. Glantz;
Motion passes unanimously

14. Public comment. No members of the public present at this time.

15. Attorney-client meeting.

Richard Dreitzer, Board Legal Counsel, does not see a need to close the meeting at this time.

16. Adjournment.

Motion to adjourn the meeting of the Nevada State Board of Podiatry at 7:01 p.m. made by Vice-President Dr. Jarvis;
Second to motion Secretary/Treasurer Dr. Clark;
Motion passes unanimously