

**STATE OF NEVADA**  
**DIVISION OF PUBLIC AND BEHAVIORAL HEALTH (DPBH)**  
**PRIMARY CARE ADVISORY COUNCIL (PCAC)**

**DRAFT MINUTES**  
February 05, 2019  
2:00 p.m. to Adjournment

Videoconference from:

NV Division of Public and Behavioral Health  
4150 Technology Way, Rm. 301  
Carson City, NV 89706

Videoconference to:

Health Care Quality and Compliance  
4220 S. Maryland Pkwy  
Bldg. D, Suite 810, Small Conf. Rm.  
Las Vegas, NV 89119

**COUNCIL MEMBERS PRESENT:**

Amir Qureshi, Chair (Las Vegas)  
Charles Duarte (Call-In)  
Nancy Bowen (Call-In)  
Cody Phinney (Call-In)  
Susan VanBeuge (Call-In)  
Gerald J. Ackerman (Call-In)

**COUNCIL MEMBERS EXCUSED:**

**DPBH Staff Present:**

Scott Jones, Manager, Primary Care and Health Workforce Development (PCHWD)  
Joseph Tucker, Manager, Primary Care Office (PCO)

**Others Present:**

Dr. George Baramidze  
Linda Anderson  
Dave Pedant  
Emma Sutherland  
Jessica Simpson

**1. Roll call and confirmation of quorum.**

J. Tucker read the roll call and stated that there was a quorum present.

**2. Approval of minutes:**

A. Quershi, asked if there were any additions or corrections to the minutes from the December 18, 2018 meeting. No recommendations were made.

**First Motion:** G. Ackerman

**Second Motion:** N. Bowen

**Motion:** PASSED UNANIMOUSLY

**3. Recommendation to the Administrator for the Division of Public and Behavioral Health regarding a J-1 Physician Visa Waiver Letter of Support for Dr. Zaid Haddad.**

J. Tucker presented summary handout of the completed application.

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**Member Comment:** None

**Public Comment:** None

Chair entertained a motion on item 3.

**First Motion:** G. Ackerman

**Second Motion:** N. Bowen

**Motion:** PASSED UNANIMOUSLY

**4. Recommendation to the Administrator for the Division of Public and Behavioral Health regarding a J-1 Physician Visa Waiver Letter of Support for Dr. Navneetha Unnikrishnan.**

J. Tucker presented summary handout of the completed application. Chair stated this is one specialty which is very much needed in this state and in Las Vegas.

**Member Comment:** None

**Public Comment:** None

Chair entertained a motion on item 4.

**First Motion:** C. Duarte

**Second Motion:** S. VanBeuge

**Motion:** PASSED UNANIMOUSLY

**5. Review and consider policy changes on liquidated damages clauses in J-1 contracts for the Nevada J-1 Visa Waiver Program.**

J. Tucker: during the last meeting in December 2015, there were some questions brought up by the PCAC about what appropriate liquidated damages would be. Our current policy states that we recommend a \$50,000 limit on the liquidated damages, but we do not have anything that specifically says what we can limit or not, so the Primary Care and Health Workforce Development office inquired from other states and policies - what we found is that in Texas liquidated damages are not allowed in the contracts. California, Washington, Oregon, Idaho and Virginia do not outline restrictions for the liquidated damages. The state of Alabama requires \$250,000 in liquidated damages. It varies throughout the different parts of the united states. One of the things we looked at and listed and highlighted on page 33 of the packet, you can see the currently policy states the contract must contain reasonable liquidated damages suggested to be \$50,000 if the physician or employer terminates the contract before the 3 year period, or the contract contains liquidated damages that exceed the suggested amount of \$50,000 per the physician then the practice needs to submit a financial breakdown or justification of the cost that would be incurred as a result of an early contract termination.

**Member Comment:**

C. Duarte: if we were to consider a revision to the provision regarding liquidated damages imposed by the employer, does that require legislation or can it be done through the administrative rule making process, and secondly, I assume that would be prospective but wanted to ask to make sure.

J. Tucker: as far as I know right now, I will have to check on whether it would require legislation or not and get back to PCAC on that.

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C. Duarte: and the second issue whether it was prospective or retrospective, maybe you could talk to the Deputy Attorney General (DAG) about that.

J. Tucker: yes, I will follow-up and get back to PCAC. Chair – what do we want to do, do we want to hold off?

C. Duarte: I wanted to make sure it has gone to legal, so I would make a motion to table this until we had our questions answered.

A. Qureshi: I agree with that.

S. VanBeuge: I agree with that as well.

A. Qureshi: if there are no other member comments, then we can have public comments then have a motion. Are there any public comments?

S. Jones: my thought about this is the policy recommendation that we made here would not require any legislative changes and we could implement it immediately, which would mean on future applications.

S. Jones: the policy recommendation that Joseph included on page 33, we could implement immediately and what it would provide at least in the interim would be the ability for us to present to the PCAC a justification for liquidated damages above \$50,000. So, I think it might be good to consider allowing this policy change, so we can get you more information until we can get more information about the legislative requirements for making any changes to liquidated damages. Just a thought.

C. Duarte: I want to make sure I am clear on this. So, we can approve this item pending information from legal counsel around whether there needed to be a change in legislation or it can be approved administratively. And secondly, whether retrospective or just prospective? Is that correct?

S. Jones: so what I am saying is this current policy recommendation doesn't set any requirement for liquidated damages. The only thing it does is require is that applications contain a justification if they are for more than \$50,000. It just provides the administrator as well as the PCAC with more information. Now if your question is whether this requires legislation, this does not require legislation. However, if we were to try and set limits on the liquidated damages that is what we are going to research to see what would be required for that to occur.

Chuck, okay, thank you.

A. Qureshi: I think we should vote on it. Scott, you can clarify it later?

S. Jones: my recommendation is if the committee wants to consider this, I guess you could call it a "short-term" policy change that would provide you with more information and then our office can do more research to identify what would be required for long-term legislative changes and if the committee would like we can put that as an agenda item on the next PCAC meeting and present additional research regarding the legislative questions.

A. Qureshi: you made two good points whether it was retrospective or just in the future, and what is the upper limit.

S. VanBeuge: my feeling would be I would rather have the feedback before we would vote on it. That is just my own opinion. I would just want to make sure before the council vote, that is just me.

A. Qureshi, we have been meeting quite regularly, so hopefully we have our next meeting very soon.

S. VanBeuge: I still think that having those two questions answered and feeling frivolous about the vote on it would be my thought.

A. Qureshi: I would be inclined to agree with that Dr. VanBeuge. We can vote to determine what we should do about it.

S. VanBeuge: I would like to make a motion. Agenda item review and consider policy changes on liquidated damages clauses in J-1 contracts in the J-1 visa waiver program, I move that that the committee wait for more information come back and get these questions answered before we vote on this item.

**Public Comment:** None

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Chair entertained a motion on item 5.

**First Motion:** S. VanBeuge

**Second Motion:** C. Duarte

**Motion:** PASSED UNANIMOUSLY TO AWAIT FURTHER INFORMATION

**6. Adjournment**

The meeting adjourned at 2:15 p.m.