



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE
REGULAR BOARD MEETING MINUTES

January 6, 2009 @ 6:00 PM

AT THE FOLLOWING LOCATION:

Nevada State Board of Osteopathic Medicine ~ Conference Room
2860 E. Flamingo Rd. Ste. D
Las Vegas, NV 89121

I. CALL TO ORDER (Discussion/Action) Daniel Curtis, D.O., Chairman
Roll call to determine presence of a quorum.

- A. Dr. Curtis called to order the meeting to determine the presence of a quorum. It was determined that the following attendees were at the meeting and a quorum existed.

Board Members:

Dan Curtis, DO
Dean Milne, DO
Scott Manthei, DO
James Anthony, DO
Paul Kalekas, DO
Lisa Miller-Roche, Esq., Public Member
Rota Rosaschi, M.P.A., Public Member

Board Staff:

Barbara Longo, Office Manager
Tammy Sine, Bookkeeper & Licensing Specialist
Dianna Hegeduis, Esq., Board Consul

Public:

Denise Selleck-Davis, NOMA
Ed Bernstein, Esq.
David Ford, Esq.
Richard McCann, Esq.
Ed Hoffman, DO
Brian Gresh

II. APPROVAL OF MINUTES FROM NOVEMBER 15, 2008 (Discussion/Action)
Daniel Curtis, D.O., Chairman

Rota had a change of M.B.A. to M.P.A. Dr. Curtis asked for a motion to approve with the requested correction, Dr. Milne made the Motion, Dr. Kalekas approved, and approved by the Board with the correction.

III. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS (Discussion/Action) Daniel Curtis, D.O., Chairman

Under this item the board may consider the recommendations of the Executive Director to grant licensure to the below listed applicants. The board may remove any applicant's name from the consent motion, but may not discuss the contents of the application for licensure without the applicant present following proper notice pursuant to the open meeting law.

Consent agenda to grant FULL LICENSURE to the following applicants:

Sony Aikels, DO	Pediatrics
Bradley Grausz DO	Emergency Medicine
Nosratullah Khajavi, DO	Anesthesiology
Jerry Makin, DO	Psychiatry
Sujay Patel DO	Internal Medicine
Susannah Pazdral DO	Family Medicine
Shamayel Roshan, DO	Internal Medicine

Dr. Milne made a motion to approve; Dr. Manthei seconded, and the licenses were approved.

Consent agenda to grant SPECIAL LICENSE to the following applicant:

Myles Luszczyk, DO	UMC- Orthopedic Surgery
--------------------	-------------------------

Dr. Milne made a motion to approve, seconded by Dr. Kalekas, and approved by the Board.

Consent agenda to grant TEMPORARY LICENSE to the following applicant:

Ralph Tomei, DO	Psychiatry
-----------------	------------

A motion was made by Dr. Kalekas, seconded by Dr. Milne, and approved by the Board.

IV. CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING HARVEY HOFFMAN, DO (Discussion/Action) Dean Milne, D.O., Vice-Chairman

Dianna read the settlement agreement that Dr. Hoffman will pay a \$7500.00 fine due to malpractice claims not reported. He agrees to pay \$1,000.00 per month starting January 15, 2009 and will accurately report medical malpractice claims. If this is not complied then he can have a complaint filed and have his license revoked.

V. CONSIDERATION OF RESTORATION OF EDWARD HOFFMAN, DO LICENSURE CLASSIFICATION FROM PROBATIONARY LICENSURE STATUS TO ACTIVE STATUS (Discussion/Action) Daniel Curtis, D.O., Chairman

Dr. Hoffman was present along with Attorney Edward Bernstein. Dr. Curtis reviewed the settlement agreement confirming that Dr. Hoffman met all the requirements of the agreement. Dianna noted that she has received reviews periodically. Attorney Bernstein confirmed that Dr. Mansky has reviewed Dr. Hoffman. The settlement payment has been paid in full. Dr. Milne asked if he was still in the NHPAF program. He stated that Dr. Mansky has released him, but he can still go voluntarily. A motion to remove the probation status was entered by Dr. Curtis and seconded by Dr. Kalekas and approved effective January 7, 2009.

VI. CONSIDERATION OF ADOPTION OF VACATION AND SICK PAY POLICY FOR BOARD STAFF (Discussion/Action) Daniel Curtis, DO, Chairman

Barbara reported that the State employees have 3 weeks vacation time and 3 weeks sick time. Dr. Milne suggested that we leave the vacation and sick time up to Barbara and the to-be-named Executive Director. Dianna explained that PERS is retirement not vacation or sick time. David Ford explained the Family Medical Leave Act. We don't have enough employees to apply for the Family Medical Leave Act. Dr. Kalekas suggested 3 weeks vacation with 6 hours sick pay per year for salary employees with a cap of 240 hours. Dr. Kalekas suggested the same for hourly employees with one week at a time used with a maximum amount of vacation of 120 hours that has to be used by the end of the year. Dr. Curtis moved to grant the employees that have been with the company one year to date to receive one week (5 days) vacation, then Barbara and Dr. Kalekas will work out a proposal and then approach the Board at the February meeting. Dr. Milne seconded and this was approved.

VII. CONSIDERATION OF CHANGE OF BARBARA LONGO'S TITLE FROM OFFICE MANAGER TO DEPUTY EXECUTIVE DIRECTOR (Discussion/Action) Daniel Curtis, DO, Chairman. + (may go into closed session)

Dr. Kalekas made a motion to change Barbara Longo's title from Office Manager to Executive Deputy Director, Dr. Milne seconded, and it was approved by the Board.

VIII. CONSIDERATION AND DISCUSSION OF OFFICE STAFF, SALARIES AND POSITIONS (Discussion/Action) Daniel Curtis, DO, Chairman. +(may go into closed session)

Dr. Curtis made a motion that an employee be paid from 8:00 to 5:00 with a little flexibility. Dr. Milne seconded. Lisa recommended that a policy manual be written before a policy like this be approved. It was approved that employees work 8:00 to 5:00 with possible leeway approved by the Executive Deputy Director to be effective January 11, 2009.

Barbara Longo's salary increase went into closed session for discussion. The meeting went back into open session and a salary increase was approved effective the next pay period.

IX. UPDATE OF PRE-LEGISLATIVE ACTIVITIES BY BRYAN GRESH, NSBOM LOBBYIST (Discussion) Daniel Curtis, DO, Chairman

Dr. Curtis introduced Bryan Gresh to the Board. Mr. Gresh stated that the bill draft was introduced by Joe Hardy, but the drafters will revise. Joe Hardy is combining the bill drafts of the Osteopathic Board and the Medical Board together. He does not want to combine the Boards, but there are some senators that would like to see this occur. Mr. Gresh has spoken to a high ranking senator who emphatically stated that he did not want to combine the Boards. Larry Mathias with the Medical Association is in favor of having an administrative facility or “Super Board” over all Boards. This way the Boards could take more time with concern to licensures and complaints. (The budget is on the brink.) The big picture will focus on the next biannual. The Governor gives his speech next Tuesday and congress goes in session the following Tuesday.

Dr. Curtis asked what this “Super Board” would do to the staff in the Boards. This was one of the issues that supposedly came out of an obscure laser technology that developed during the summer. It has not embedded fully. This has not been fully talked about and is truly in the preliminary stage. Dr. Curtis asked for him to keep the Board well informed on the status of this. Dr. Milne stated that he felt it was going to take a lot of time and he cannot see that the allopathic board would want to be a part of us or have us as a part of them. Dianna explained that this will cover all Boards not just the medical field. Denise offered some instances that have occurred in other states that have combined Boards. (Mr. Gresh stated that Assemblyman Hardy was combining the Bill not that he wants to combine the two Boards.) Dr. Kalekas asked Mr. Gresh what his impression of “there was a lack of communication from top to bottom”. Dr. Hardy is a member of the Health District Board and is looking from that aspect. Dianna asked if the bill draft is online. Mr. Gresh commented that it is not online at this time, but will let us know as soon as it is available online. He will send the link along with the history of the bill that the Board members can access when needed.

X. CONSIDERATION AND DISCUSSION OF APPLICANTS FOR NEW EXECUTIVE DIRECTOR (Discussion/Action) +(may go into closed session)

*J. Marguerite Sagas
Sandra Smagac Robertson*

Dr. Curtis tabled this until next meeting.

XI. EXECUTIVE DIRECTOR’S REPORT/ Staff Report (Discussion/Action)

- a. Status of electronic backup system
Barbara explained the back-up system of our computers.
- b. Quickbooks Balance Sheet and P &L
Barbara is working on extrapolating the figures on the budget to reflect (more accurately) the budget. The November balance sheet is the last reconciled. Dr. Manthei asked if we were still doing the audit. Dr. Curtis stated that we need to send a letter to Mr. Townsend.
- c. Licensing and Enforcement Information
We still have 20 outstanding renewals for active DO’s., 8 PA’s, and 5 inactive DO’s.

Investigative report is as shown on the report with 3 new complaints awaiting assignment to IBM, 23 under review, and 14 with the AG's office. Dianna will expand on the cases that the AG office is working on.

d. PA Regulation- R192-07

Barbara explained that the Reg has been approved and filed, but we are awaiting the finalization of the regulation from the LCB.

XII. LEGAL REPORT (Discussion/Action) Dianna Hegeduis, SDAG, Board Counsel

a. Discussion as to whether the Board should have an outside designee be the Hearing Officer for Board matters.

Nancy Savage will no longer be our prosecuting attorney. She is still working on one case. There is a new prosecutor by the name of Colleen Hemingway who is in Carson City, but is moving to Las Vegas. She will be in town on Thursday February 15, 2009. Dr. Curtis can only meet her in the morning and Dr. Milne is not available that day.

The statutes allow the Board members to designate a hearing officer. Dr. Havins offered to be a hearing officer.

There is a hearing in February 19, 2009 on Dr. Kaveh. Dr. Fine is set for a hearing on February 25, 2009. Dr. Carpenter's case has been settled without a hearing.

The AG's office is moving on several cases and generating revenue.

Dr. Curtis stated that Barbara's computer dies every 2 minutes and is being replaced.

XIII. PUBLIC COMMENT

Under the public comment item, members of the public may bring matters not appearing on this item to the attention of the Board. The Board may discuss but may not act on the matters at this meeting. If the Board desires, the matters may be placed on a future agenda for action.

Denise Selleck-Davis with NOMA states that she needs a list of an average of the number of days that it takes to get a license approved. She needs this by February 2, 2009. She also needs to know if the conscious sedation report would be done prior to the session.

These minutes have been approved by the Board.