



**NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**  
***REGULAR BOARD MEETING MINUTES***

***February 3, 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***

- 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:

Daniel 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, Deputy Executive Director  
Tammy Sine, Bookkeeper & Licensing Specialist  
Dianna Hegeduis, Esq., Board Consul

Public:

David Ford, Esq.  
Richard McCann, JD  
J. Marguerite Sagas  
Aaron Hurowitz, DO  
Weldon "Don" Havins, MD, JD

***II. APPROVAL OF MINUTES FROM JANUARY 6, 2009 (Discussion/Action) Daniel Curtis, D.O., Chairman.***

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

**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 and/or President 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:

Ayed Agha, DO	Diagnostic Radiology
Clarissa Johnston, DO	Family Practice
Phuong Nguyen-Pham, PA-C	Family Practice
Timothy Phipps, DO	Orthopedic Surgery
Megan Ripoll, PA-C	Orthopedic Surgery
George Tsao, DO	Anesthesiology
Darrin Wirtz, DO	Internal Medicine

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

Consent agenda to grant SPECIAL LICENSE to the following applicant:

Amy Archer, DO	Kingman/Sunrise
Kent Bowden, DO	UMC
Darren Jenkins, DO	Kingman/Sunrise
Nikhil Pandhi, DO	UMC
James Pickett, DO	Kingman/Sunrise
Christopher Rott, DO	UMC

A motion was made by Dr. Manthei, seconded by Dr. Milne, and approved.

**IV. +CONSIDERATION OF THE APPLICATION FOR LICENSURE AND APPEARANCE BY AARON HUROWITZ, DO, FOR EXPLANATION OF ANY INCOMPLETENESS AND/OR DISCREPANCIES AND/OR PRIOR LITIGATION IN THE APPLICATION (Discussion/Action) Daniel Curtis, D.O., Chairman +(may go into closed session per NRS 241.030)**

Dr. Curtis asked if Dr. Hurowitz wanted an open or closed session. He stated that he had a muddy background, but open was fine. Dr. Curtis asked if he was practicing in Georgia. He pled guilty to up-coding insurance fraud of Medicaid. He spent one year in a Federal prison for insurance fraud and paid a \$375,000.00 fine. He let his license lapse because it did not make sense to him to renew his license while he was in prison. He was asked why not stay in GA and why apply here? He felt that after talking to the Board office that what he did may not be so bad and he could get licensed here in Nevada. There were two charges of unprofessional conduct in 1992. He gave a patient 3 estrogen injections because a patient read in Reader's Digest that the estrogen would enlarge the breasts and so he gave them to her. Dr. Kalekas asked him if he had a position here in Las Vegas. He said he did not have a position at this time. The patient that passed away of an MI and he was sued for malpractice because he

failed to inform the patient of the possible complications of the medications. Unnecessary procedures are what he says he was accused of as well as excessive billing. He is Board certified in Family Practice. Dr. Manthei asked how many CME credits he has. He has at least 30 credits per year. Dr. Kalekas asked why Georgia would not issue him another license. He has not applied because Georgia usually waits two years after a felony before they would reissue or reinstated a license. Lisa Miller-Roche asked if we made contact with Georgia. We had not; we only received the license verification. She would like to table this application until that contact is made. Dr. Curtis asked why he answered no on question #3 instead of yes. Dianna explained that his interpretation of limitation may not be the same as Dr. Curtis'. Dr. Curtis stated that he answered yes to subject to child support. One of the statutes of the Board is that he provide that stipulation of the child support payment. Dr. Curtis stated that we will not grant the license today because we need the court order and we will contact Georgia regarding restrictions. A motion was made to table this until we contact Georgia and get the divorce decree. Dr. Milne seconded the motion and it was approved. He was informed that it would not be necessary for him to appear before the Board after we have received these items.

**V. CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING DANIEL CARPENTER, DO (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna read the settlement agreement that Dr. Carpenter will pay a \$5,750.00 fine due to failure to report a lawsuit. He agrees to pay \$3,000.00 by February 15, 2009 and the balance by April 3, 2009.

A motion by Dr. Curtis was made to accept the settlement agreement for Dr. Carpenter. The motion was seconded by Dr. Milne and approved by the Board.

**VI. CONSIDERATION AND DISCUSSION OF POSSIBLE REVISIONS TO D.O. AND P.A. LICENSE APPLICATIONS (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Curtis and Lisa will review this and it will be tabled at this time until the revisions can be made.

**VII. CONSIDERATION OF ADOPTION OF VACATION AND SICK PAY POLICY FOR BOARD STAFF (Discussion/Action) Paul Kalekas, D.O., Member**

Dr. Curtis turned this matter over to Dr. Kalekas to explain the vacation/sick pay. Dr. Kalekas and Barbara decided to change it to PTO time not vacation or sick pay. This is for hourly employees that have been here five years or less. There is a 90 day probationary period. Salaried employees accrue 12 hours per month and can carry over to the following year for 80 hours maximum. Hourly employees paid time off accrues at a maximum of 4/hrs per pay period or 8/hrs per month or 12 days per year. They can get paid a maximum of 40 hours per year for unused, accrued PTO. They have to take a minimum of 30 minutes at a time, which is reported to Barbara. Dr. Curtis asked if there was any discussion. Dr. Manthei asked what happens after five years. This has not been computed yet. If an employee terminates from the position, they get paid the accrued time, but if fired, this is not paid. Dr. Havins suggested that

the no pay if fired was not legal. This was dropped from the suggestion and agreed that they would pay accrued time off.

Dr. Manthei made a motion to approve minus the terminated employee pay not be paid to be changed to being paid, seconded by Dr. Milne, and approved.

**VIII. CONSIDERATION OF EFFECTIVE DATE FOR FINGERPRINT RATE INCREASE FROM \$ 50 TO \$ 70 (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Curtis made a motion to make this effective tomorrow February 4, 2009, seconded by Dr. Kalekas and approved.

Dr. Curtis mentioned that the formal complaints require that fingerprints be performed on all physicians.

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

Dr. Curtis explained that the Board will be interviewing all applicants then make a decision after the meeting as to hire someone or hold at this point in time. Dr. Curtis explained that there is a possibility of the Medical Board and the Osteopathic Board merging and it would not be fair to hire someone as our Executive Director because if the Boards were to merge, there would only be one Executive Director.

**J. Marguerite Sagas:**

Dr. Milne asked what her qualifications were to be our Executive Board. She works in human resources. He asked what her experience was with the legislature. She has no experience with the legislature. He asked if she knew the difference between an MD and a DO. She did not know. Dr. Kalekas asked if she had any law experience. She has no experience with the legislature or a law degree. Dr. Curtis stated that this position would be part-time not a full time position.

**David R. Ford, Esq.**

Dr. Curtis asked how he learned about the position. Dianna H. informed him of the position. He has houses both in Reno and in Las Vegas. He was asked what type of private practice he has. His reply was that he did every type of law. Most cases are union related and police officers when there is a shooting as well as grievances for termination. Dr. Milne asked if he had any medical experience. He had some malpractice experience, but chose not to go into that field. Dr. Manthei asked if he had any legislative experience. He has superficial experience and feels that he would be able to handle that quite easily. Dr. Manthei asked who ran his law practice. He handles it himself. Dr. Kalekas asked what he meant in his statement to enhance our group and wanted to know what he meant by that. Going to Reno would not be a problem to be at the legislative session. He worked for the California AG's office during his internship. He actually opened an office, ran the office, and did private practice. He then worked doing labor law and is able to adapt and do his job efficiently. Dianna had mentioned that he would be able to write up his own complaints. He said it was just a matter of reading the laws and interpreting them

correctly. Rota asked what makes them unique for this particular position. He replied, as to being in charge of people, I was in the Navy and by the time I had passed the test and been rated, I was running the ship. I was able to manage and keep everyone happy in what they were doing. I believe I have the management skills and the ability to adapt to what is needed here. I have the ability to approach the legislature and the public in so being beneficial to the Board. I can make the interpretations regarding disciplinary actions.

**Richard P. McCann, J.D.**

Dianna contacted him regarding the position. Mr. McCann worked with Mr. Dreitzer. He is familiar with admin law and cases. He sits on the chiropractic board. Dr. Curtis asked if there will be a conflict with being the ED of our Board and sitting on the chiropractic physicians board. If it is a matter that is not conflicting, he would sit on it and if it conflicted, then he would excuse himself. Where are the hours of days coming from? He is in the process of reorganizing his time, but he was asked to leave his personal practice. I am not often a person of saying no, and am sitting on various Boards and am trying to cut down on some of them to free up some time. My company represents the police department unions. He has done some malpractice law experience. Dr. Kalekas asked if he was licensed in Nevada. He is not licensed in Nevada so therefore he is a JD not an Esquire. He asked if he was comfortable with only working 20-hours per week. He was comfortable and would rely on the staff for they are essentially running the office anyway. He would report to the Board as required. Do you have any legislative experience? I have written some BDR's in the past. He may be spending some time in Carson City for the law enforcement issues that are before the legislature this session.

Dr. Curtis thanked all three of them. At the end of the meeting, the Board will discuss the candidates in closed session.

**X. *DEPUTY EXECUTIVE DIRECTOR'S REPORT/ Staff Report (Discussion/Action)***

a. Quickbooks Balance Sheet and P &L

Barbara explained the reports to the Board members.

b. Licensing and Enforcement Information

There are 30 DO's and 8 PA's pending licenses. We have had 84 total applications this fiscal year with 1 denial, 38 in process, and 45 licensed. We are missing 5 DO's for renewals out of 726. We have gotten the renewals of all PA's and Inactive DO's. The CME audit letters have been sent to 225 DO's and 16 PA's and we have received 41.

There were 7 new complaints and 7 dismissed complaints with 1 formal complaint settled by the AG's office. There are 3 new complaints awaiting review/assignment to IBM. 25 complaints have been assigned or are currently under the review of an IBM. 13 complaints are with the AG's office. Of those, 9 were submitted for review and possible formal action and 4 have formal complaints.

c. Contract updates.

- d. Updates to the website in regards to the disciplinary section and many of our forms were updated with the assistances of Dianna Hegeduis.

Dr. Curtis explained that the lease here is very expensive and it is not very safe.

**XI. *LEGAL REPORT (Discussion/Action) Dianna Hegedius, SDAG, Board Counsel***

No updates were given.

**XII. *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.*

There were no public comments.

The meeting was adjourned.

**Approved at the 03/03/09 Board Meeting.**