



**Nevada State Board of Osteopathic Medicine
MINUTES
BOARD MEETING – MAY 31, 2007**

I. CALL TO ORDER (Discussion/Action)

Matthew J. McMahon, D.O., Chairman did roll call and determined a presence of a quorum.

Present Board Members –

Dan Curtis, D.O.

Michael Crovetti, D.O.

C. Dean Milne, D.O.

Paul Kalekas, D.O.

Rota Rosaschi, MA, Public Member

Present Board Member Staff and Members of the Public –

Larry Tarno, D.O. Executive Director

Catryna Kelly, BA, Executive Administrator

Richard Dreitzer, Esq., Board Counsel

Nancy Savage, Esq., Board Prosecutor

Denise Selleck Davis, Executive Director, NOMA

Karen Burguillos, PA-C

Martin Doyne, D.O.

James Holmes, D.O.

II. APPROVAL OF MINUTES FROM MARCH 12, 2007 AND APRIL 25, 2007 BOARD MEETINGS (Discussion/Action)

Matthew J. McMahon, D.O., Chairman, asked to for a motion to approve the minutes for the previous meetings as stated above. Ms. Rota Rosaschi pointed out that the date for the consent agenda actually stated April 24, 2007 and this is an error.

Dr. Milne motioned to approve the minutes and Dr. Kalekas seconded. All in favor, motion carried.

III. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS (Discussion/Action)

Larry J. Tarno, D.O., Executive Director

The following licenses were granted full licensure;

A. Consent agenda to grant FULL LICENSURE to the following applicants:

- | | |
|----------------------|-------------------|
| 1. Chang-Hoon Ahn DO | Family Medicine |
| 2. Ali Alavi DO | Internal Medicine |

- | | |
|-----------------------------|-------------------------------|
| 3. Scott Cinelli DO | General Surgery |
| 4. Maureen Doherty DO | Anesthesiology |
| 5. Benjamin Harris DO | Emergency Medicine |
| 6. Michael Hubbard DO | Anesthesiology |
| 7. Robert Quigley DO | Nephrology |
| 8. Amanda Rivera-Begeman DO | Anatomic & Clinical Pathology |
| 9. Victor Sun DO | Emergency Medicine |
| 10. Jose Torreblanca DO | Pediatrics |
| 11. Nicole Zendejas DO | Emergency |

We have removed Ali Alavi, DO, Maureen Doherty, DO, Benjamin Harris, DO, Victor Sun, DO as staff stated that we do not have the FCVS reports for these folks.

Dr. Milne made a motion to approve the consent agenda for the above stated licensees. Dr. Kalekas seconded the motion. All in favor, the motion carried.

+IV. CONSIDERATION OF THE APPLICATION TO EMPLOY AN OSTEPATHIC PHYSICIAN'S ASSISTANT AND APPEARANCE BY MICHAEL CROVETTI, D.O. AND WILLIAM KELLEY, PA-C (Discussion/Action)

+V. CONSIDERATION OF THE APPLICATION TO EMPLOY AN OSTEPATHIC PHYSICIAN'S ASSISTANT AND APPEARANCE BY MARTIN DOYNE, D.O. AND REGINA SEAMAN, PA-C (Discussion/Action)

This item did not go into closed session. Dr. Milne asked Dr. Doyne to describe the duties of Ms. Seaman and what kind of practice he has; he replied that he has a Family practice. Dr. Doyne stated that there would be infant to adulthood and that he would be using his PA to "see patients" without surgical procedures, no urgent care involved and he is always in the office. Dr. Curtis asked Dr. Doyne to clarify "minor surgery". Dr. Doyne explained that they would NOT be doing any minor surgery. Ms. Seaman is also licensed under the MD Board and has been here for 2 years, used to work for Dr. Shulep (?).

Motion by Dr. Kalekas to approve the application to employ a PA, Regina Seaman. Dr. Curtis seconded the motion. All in favor, the motion is carried.

+VI. CONSIDERATION OF THE APPLICATION TO EMPLOY AN OSTEPATHIC PHYSICIAN'S ASSISTANT AND APPEARANCE BY PHILLIP ZINNI III, D.O. AND KAREN BURGUILLOS, PA-C (Discussion/Action)

This item did not go into closed session. Dr. McMahon asked Dr. Zinni to describe the use of Karen Burguillos. The practice is set up for Family Practice. Very basic, occasional laceration, etc... Dr. McMahon asked if there were any situations where the PA will not be supervised. Dr. Zinni replied that they will be working for a corporation and that they will always have a MD or DO around her. Dr. McMahon asked how long she has been a PA and she replied 4 years.

Dr. Milne made the motion to approve the application to employ the PA. Rota Rosaschi seconded the motion. All in favor, motion carried.

+VII. CONSIDERATION OF THE RENEWAL OF LICENSURE AND APPEARANCE BY HARRY BURGER, D.O. APPLICANT FOR NEVADA OSTEOPATHIC MEDICAL LICENSURE (Discussion/Action)

Dr. Harry Burger called and asked to be removed from the agenda and we didn't ever cash his check.

+VIII. CONSIDERATION OF THE RENEWAL OF LICENSURE AND APPEARANCE BY JAMES HOLMES, D.O. APPLICANT FOR NEVADA OSTEOPATHIC MEDICAL LICENSURE (Discussion/Action) Because of open meeting law this session went into closed

session per the request of Dr. James Holmes.

Dr. Tarno explained to Dr. Holmes the reasoning behind the closed session rule also explained the essence behind the situation of Dr. Holmes license. Dr. Holmes had a restriction placed on his license and he now wishes to have this restriction removed.

Session was closed and tape was changed.

Dr. Holmes explained that one of the reasons he would like the restriction removed is because of the Medicaid/Medicare sanction that he has, he feels that he is ready to reapply for this and thinks that it would look better on his application if he didn't have a restricted license from this Board. He hasn't had any malpractice problems and understands that he since he was licensed here since 2004. Dr. Kalekas asked that he explain why his license is restricted, Dr. Holmes said that it was because of Medicare Fraud.

There was some discretion as to reviewing the FCVS report that states he had a criminal case and Dr. Holmes says that there was never a criminal case and that is has always been a civil case. He says that he has proof that his case is a civil case and stands his ground that this is not a criminal case. Dr. Holmes explained the situation that he had a practice that was 50% Medicaid patients and that there was a group that came in and told the doctors that either they would go with the program or lose their Medicaid patients. The program consisted of a raise from .40cents to .60cents on the dollar that the doctors would get paid to see these patients and that 1/2 of the raise went back into the Medicaid pot to secure Medicaid and that Washington matched the money that was put into this pot. He states that his practice flourished and because he was opened 7 days a week. He also said that he was told that when Medicaid decided that the program was illegal and it was a sure thing that they would decide this, then the doctors would get their money back that they paid the Medicaid for over the 2 year period. At the end of the program the Inspector General notified everyone that anyone who was seeing Medicaid patients would be audited, after the audit he was told that he owed \$200,000 for some wrong codes that he applied although he said that he had used the very codes that he was given to use. He fought it over several years and at the end of 5 years the feds came in and seized all of his belongings and he still has not had a hearing. They also found evidence of faulty x-rays that Dr. Holmes did repeat but didn't have any of his files or records. He was fined about \$209,000 dollars.

Dr. Curtis suggested that he didn't have any issues against his competency or capability to practice medicine and it was all regarding billing and Medicaid issues. Dr. Curtis asked Dr. Tarno for his opinion of the issue. Dr. Tarno stated that he thinks Dr. Holmes is safe to practice and that he doesn't need Dr. Tarno's permission. Dr. Crovetti also stated that he has learned a lesson and wouldn't want to do this to himself or to his family again and that the restriction should be lifted.

Mr. Dreitzer stated that we need a background check to see what we are dealing with. Dr. Milne stated that he doesn't agree with the restriction being lifted. Dr. Crovetti would like to meet privately to discuss the lifting of the restriction without Dr. Holmes being there and we should have this tabled for the next meeting. Dr. Tarno stated that we have already done a background check. Dr. McMahon would like to recheck to confirm that this is not a felony; the matter is tabled to the

next meeting pending documentation from Dr. Holmes to prove that this is a civil case. Mr. Dreitzer would like the settlement and judgment and or a case number that we can review to find out the specifics of the situation. All in favor, motion carried to table.

Closed session ended and Dr. Tarno would like to comment that he still has no problem lifting the restrictions and Dr. McMahon would like to confirm that he wants to be assured that Dr. Holmes is not a convicted felon. Mr. Dreitzer will confirm with the Dianna Hegidus the facts if she has already confirmed that Dr. Holmes is not a felon. Dr. Holmes stated that he thanks the board very much for their time.

IX. EXECUTIVE DIRECTORS REPORT (Discussion/Action)

Larry J. Tarno, D.O., Executive Director & Catryna Kelly, Executive Administrator

Current bank balance is about \$329,000 between both accounts; we also received a check from Valley Hospital for \$9800 because of the fine work with Dr. Milne.

X. LEGAL REPORT (Discussion/Action)

Richard Dreitzer, Esq. reported that Dr. James Carpenter has given us a check for \$22,000 and has promised to pay 5 equal payments of \$22,000 for a total of \$110,000.

XI. PUBLIC COMMENT

There were no public comments

XII. NEXT MEETING DATE AND ADJOURN (Discussion/Action)

Meeting was adjourned at 7:18pm.