

PUBLIC NOTICE

MINUTES

**MEETING OF THE NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE**

9:30 AM SATURDAY, JANUARY 18TH, 2003

**AIRPORT PLAZA HOTEL
1981 TERMINAL WAY
RENO, NV 89502**

Items may be taken out of order to aid effectiveness of the meeting. Public comments are welcome during Open Session, (+) DENOTES Closed or Executive Session. The Board may take action on any agenda items delineated for action. No action may take place on non-agenda items including public proposals. All information or documents supplementing agenda items that are not otherwise confidential will be available at the board meeting in limited quantities.

**I. CALL TO ORDER AND APPROVAL OF MINUTES OF NOVEMBER 8TH, 2002
MEETING (Discussion/Action)**

Rudy R. Manhei, D.O., Chairman called the meeting to order with Peter Licata, D.O., Paul Mozen, D.O., Pamela Parenti, Gary Mono, D.O., Larry Tarno, D.O., Executive Director, Trey Delap, Deputy Executive Director, Charlotte Bible, Esq., Chief Deputy Attorney General, and Ashley Carr, Administrative Investigator.

A quorum being present, the meeting began and business was conducted.

- A. Approval of Minutes of November 8th, 2002 meeting.

Motion to accept minutes of November 8th, 2002 meeting, made by Dr. Mozen, seconded by Ms. Parenti. Ms. Bible pointed out some grammatical errors in the minutes. Motion to accept passed unanimously.

II. EXECUTIVE DIRECTOR'S REPORT (Discussion/Action)

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

Trey Delap, Deputy Executive Director

A. Renewal Update

Mr. Delap gave a report on the number of renewals sent, number of renewals successfully completed. Mr. Delap reported that the renewal process this year was going much more smoothly than in previous years. Mr. Delap recounted the procedure for renewal and the options and consequences of licensees regarding renewing their licenses.

B. Financial Report

Dr. Tarno gave a statement of accounts indicating current Board balances in both the Operating Checking account and the reserve money market account. Income January 1 2002, January 1, 2003 was \$177,280.00. Total cash assets \$220,000.00. Dr. Tarno reported that audits were being conducted at this time. As of June 30, 2001, before the fee increase, total assets totaled \$120,000.00. Dr. Tarno projected around \$140,000.00 for this year based on checks written since July 1st, 2002.

C. Report on attendance at American Association of Osteopathic Examiners (AAOE) Meeting in New Orleans, LA.

Dr. Tarno reported on his attendance at the annual meeting of the AAOE. He reported that much of the content of the meeting centered on the NBOME's release of the PE (patient evaluation) component of the USMLE. Physicians would be required to take a PE component on step three of the national licensing exams.

PE is designed to evaluate a performance assessment of physicians. This component of the testing was demonstrated at the AAOE meeting. The attendees observed two students engage in the PE component. The standard patients are specially trained and the program is not designed to, "trick", the testing physician.

The NBOME is implementing a PE component by 2004 as well. Dr. Tarno gave a report on the pros and cons and much of the response from medical students.

There was extensive discussion amongst the Board members regarding the impact of the PE component of the National Testing.

Dr. Tarno reported that the Federation is recognizing COMLEX, and that COMLEX is advancing in recognition by all licensing authorities.

D. Report on attendance at Nevada Controlled Substance Abuse Prevention Taskforce.

Mr. Delap reported on his attendance at the annual meeting of the Task force. The members of the task force meet annually to discuss trends in prescribing of scheduled drugs. Further, the NCSABT is in receipt of a federal grant providing for an interventional diversion officer to work with patients who have been profiled numerous times by the task force without successful diversion. Currently the pharmacy board has

72 patients that are continuously profiled. This interventional diversion officer would approach these patients to attempt to enroll patients in substance abuse treatment.

Mr. Delap also reported that the pharmacy board has adopted regulations requiring dispensing practitioners to whom they are dispensing controlled substances from their office.

E. 2002 Annual Report Discussion of Board Goals for 2003.

Mr. Delap presented a draft of the 2002 annual report and discussed administrative goals for the upcoming year. The focus of the administration of the board in the upcoming year will be to enhance the computer system of the Board and to continuously retool the investigative procedures of the Board.

Mr. Delap highlighted two major enhancements in the past year including streamlining the licensure process. Further, that the Board has adopted more regulatory language enabling the Board to take more action following an investigation.

III. BOARD TO DISCUSS AND SELECT REPRESENTATIVES TO ATTEND UPCOMING MEETING SPONSORED BY THE FEDERATION OF STATE MEDICAL BOARDS (FSMB) (Discussion/Action)

The Board selected Rudy Manthei, D.O., as their voting delegate to the FSMB annual meeting. Dr. Tarno stated that he would like to go to the meeting as well. Mr. Delap requested to go as well. The Board invited any member who desired to attend to attend at the cost of the Board. This invitation was extended to Ms. Bible as well. Motion made by Ms. Parenti, seconded by Dr. Mozen and passed unanimously.

The Board may consider selecting a representative to attend the *State Regulatory Policy: Responding to Changes in the Oversight of Opioid Addiction Treatment* workshop to be held in Dallas, TX on February 21, 2003. – No Board member was available to attend this workshop. Considering the content, it was considered more prudent for a physician to attend the workshop. No action taken.

IV. STATUS UPDATE ON AOIA AND FCVS CREDENTIALING REPORTS (Discussion/Action)

Mr. Delap reported from the last meeting that Ms. Denise Davis, Executive Director of the Nevada Osteopathic Medical Association requested that the Board include the credentialing report from the AOIA in addition to the FCVS report. It was discussed at the previous meeting and the Board learned that a change in the regulations was necessary. The Board suggested that a workgroup be established.

In the interim, Mr. Delap had arranged for any board member to have their core credentials verified by FCVS at no charge and compare the process to that of the AOIA. The AOIA stated that they would be happy to offer this service to any interested Board member who was a current AOA member.

Mr. Delap noted that an applicant for consideration at this meeting had submitted an AOIA report indicating that the applicant already had a Nevada license, which was

obviously incorrect. Mr. Delap asked the Board to compare the differences between the AOIA and the FCVS report.

Mr. Delap requested that the Board members enroll in FCVS to get first hand knowledge of the FCVS report. Dr. Mozen had stated that he had enrolled in FCVS. Dr. Mono stated that he would not go through FCVS because it is too cumbersome.

This item is considered indefinitely tabled until further action of the Board.

V. REPORT ON ATTENDANCE AT FSMB WORKSHOP ON IMPAIRED PHYSICIANS, DISCUSSION ON REGULATIONS AND POLICIES CONCERNING DISRUPTIVE AND IMPAIRED PHYSICIANS (Discussion/Action)

A. Report and Summary of Attendance at Boards and Commissions Members Training.

a. Charlotte Bible, Esq., Gary Mono, D.O., and Pamela Parenti

The attendees reported on their attendance at the Boards and Commissions Members training sponsored by the Nevada Attorney General. Topics discussed included ethical liability, administrative hearings, and the open meeting law.

B. Report on Attendance at FSMB Impaired Physician Workshop

Ms. Parenti, Dr. Tarno, Trey Delap, Ashley Carr, and Rudy Manthei, attended the impaired physician workshop sponsored by the Federation of State Medical Boards.

All attendees felt that the workshop was extremely informative as directors of two of the largest Physician Health Programs in the country. The presenters outlined what types of physicians have been referred to their programs, their success rates, and the positive effects of the programs.

The workshop informed the attendees regarding addiction as a disease, and the difference between a relapse, and slip up. The presenters emphasized how a physician presents a very special type of patient that requires experienced specialists to effectively evaluate and treat. Further, the presenters emphasized the point that an impaired or disruptive physician must be taken out of his/her environment and be evaluated by experts

There was some discussion regarding disruptive behavior and changes made to NRS 633 by Assembly Bill 1 of the special session regarding reporting to the Board actions taken by hospitals regarding medical competence.

The presenters recounted numerous stories of how impaired physicians would subvert the urine collection process. The PHP programs also emphasized the importance of cooperation between the medical board and the PHP program.

The presentation from the PHP group was lively and interactive and was considered to be very informative.

VI. STATUS UPDATE AND CRITIQUE OF BOARDS COMPLAINTS AND INVESTIGATIONS PROCEDURE (Discussion/Action)

A. Report on complaint processing.

Ms. Carr reported the number of cases that were open. 35 total complaints, 6 being reviewed by Board members, 7 waiting for more information, 12 pending investigative reports, and 22 waiting for dismissal letters. Ms. Carr reported that progress was being made in processing the complaints.

B. Discussion on Procedures for reviewing complaints.

This item was discussed; further evaluation of the procedures will be conducted on a continual basis.

C. Considerations of revisions of investigative procedures.

See item Sub item B above.

VII. CONSENT MOTION TO GRANT LICENSURE (Discussion/Action)

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

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.

Robert Kaplan, D.O., General/Family Practice
Kenneth Burnham, D.O., Emergency Medicine
Reginald Wortman, D.O., Emergency Medicine
Ned Jaleel, D.O., Internal Medicine
John Sutton, D.O., General/Family Practice
William Willis, D.O., General/Family Practice
John Cruickshank, D.O., General/Family Practice
Matt McMahon, D.O., Cardiology application to employ Timothy Gardner, PA-C
Craig Strobel, D.O., Occupational Medicine, application to employ
Linville Jorde, PA-C

Mr. Delap requested that Dr. Strobel's application to employ a PA be taken off of the consent agenda.

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata to all except Dr. Strobel's application to employ a PA. Passed unanimously.

VIII. DISCUSSION OF BOARD PROPOSED LEGISLATION CONCERNING CRIMINAL BACKGROUND CHECKS, CONFIDENTIALITY OF COMPLAINT INFORMATION, AND OTHER CHANGES TO NRS 633. (Discussion/Action)

Rudy Manthei, D.O., Chairman

Mr. Delap presented the draft of the bill draft request proposed for the legislatures' consideration by Senator Shaffer on the Board's behalf. Mr. Delap reported on the contact of the information and the process that the BDR would go through.

IX. DISCUSSION ON BILL DRAFT REQUEST 834 PROPOSED BY SEN. O'CONNELL REGARDING PROFESSIONAL LIABILITY INSURANCE AND SPECIAL FUNDING FOR PHYSICIANS PURCHASING PROFESSIONAL LIABILITY INSURANCE. (Discussion/Action)

Rudy Manthei, D.O.

Dr. Manthei recounted the content of the BDR proposed by Senator O'Connell per BDR 834. This bill would establish a critically impacted medical specialties professional liability insurance subsidy fund. This fund would be administered by the Division of Insurance and would issued grants to physicians demonstrating need. The initial funding for this bill would come from a one time \$100,000.00 contribution from the Osteopathic Board, \$2.5 million from the Allopathic Board, and continually funded by an annual assessment of \$200 to each physician practicing in the state of Nevada.

There was lively discussion regarding this bill. Dr. Licata moved that the Board respond to this issue, seconded by Ms. Parenti. The Board decided that Dr. Tarno would draft a letter opposing the legislation focusing on the devastating fiscal impact the Bill would impose on the Board. Motion passed, with Dr. Manthei abstaining.

X. CONSIDERATION AND REVIEW OF DRAFT MEDICAL JURISPRUDENCE TEST AND APPLICATION PROCEDURE

Trey Delap, Deputy Executive Director

Since this item was not noticed as an action item, it was tabled until the May Board meeting.

XI. LEGAL REPORT (Discussion/Action)

Charlotte Bible, Esq., Deputy Attorney General

There was no legal report.

XII. CONSIDERATION OF DRAFTING PROPOSED REGULATIONS REGARDING MEDICAL RECORDS (Discussion/Action)

Paul H. Mozen, D.O.

Dr. Mozen had presented copies of Florida regulations regarding the retention of medical records. The regulation delegated the responsibility for maintenance and release of medical records to the employing entity or physician that is in possession of the medical records.

There was discussion on how to clean up some statutory language regarding the retention and distribution of medical records. This item was continued until the next meeting.

XIII. STATUS AND UPDATE ON ATTORNEY GENERAL OPINION AND PROPOSED WORKGROUP CONCERNING APPLICABLE LAWS

REGARDING THE CORPORATE PRACTICE OF MEDICINE

(Discussion/Action)

Charlotte Bible, Esq.,

Ms. Bible reported that she had done some preliminary research on LLC's and the practice of medicine. She noted that occupational licensing Boards could license LLC's to practice. Currently, physicians are limited to practicing as professional corporations (PC's) or in groups (see Board opinion on Corporate Practice of Medicine, 2002). Such a change to provide for the licensing of corporations to practice osteopathic medicine would require a statutory change. However, the power to do so exists in NRS chapter 778.

Ms. Parenti moved that Ms. Bible would draft a letter to Dr. Witt including that the Board does not have the statutory authority to license LLC's to engage in the practice of Osteopathic Medicine and that Dr. Witt would remain liable for the practice of osteopathic medicine, seconded by Dr. Mono, passed unanimously.

XIV. CONSIDERATION OF TELECONFERENCING, TECHNOLOGICAL ENHANCEMENTS FOR DISSIMINATION OF PUBLIC INFORMATION

(Discussion/Action)

Paul Mozen, D.O, and Trey Delap

Mr. Delap talked about moving towards procuring software or technology that could maintain the board's database as well as expand the availability of public information online and web-based information. Mr. Delap stated that 80% of calls received by the Board office are verification calls. These calls could

XV. MATTERS OF FUTURE AGENDA (Discussion/Action)

XVI. PUBLIC COMMENT PERIOD

There was no public comment.

XVII. SCHEDULING OF NEXT MEETING INCLUDING A SPECIAL MEETING AND ADJOURN (Discussion/Action)

A special meeting for two disciplinary matters was scheduled for February 25th, 2003, to be held in Las Vegas. The next regularly scheduled meeting was set for May 3rd, 2003 (later changed to May 10th, 2003, due to scheduling conflict).