

MINUTES
MEETING OF THE NEVADA STATE BOARD
OF OSTEOPATHIC MEDICINE
11:00AM SATURDAY, JANUARY 19, 2002
9:00 AM SUNDAY, JANUARY 20, 2002
HARVEY'S LAKE TAHOE RESORT
HIGHWAY 50
STATELINE, NV 89449

I Call to Order Approval of Minutes of October 13, 2001 Meeting:

Dr. Manthei, Chairman, called the meeting to order at 11:00 AM. Members Present: Rudy Manthei, D.O., Chairman, Peter J. Licata, D.O., Vice-Chairman, Gary S. Mono, D.O., Secretary/Treasurer, Paul H. Mozen, D.O., and Ms. Pamela Parenti. Others Present Included: Larry J. Tarno, D.O., Executive Director, Trey Delap, Deputy Executive Director, Charlotte Bible, Esq., Deputy Attorney General, Louis Test, Esq., Richard M. Taylor, D.O., and via telephone, Jennifer Carvalho, Esq. Deputy Attorney General.

MINUTES - There was no discussion concerning the minutes of the October 13, 2001 meeting were approved by Motion of Dr. Manthei, seconded by Ms. Parenti, and approved by the board

CALL TO ORDER JANUARY 20TH, 2002

On January 20th, the meeting was called to order at 9:00 AM with the following members present: Rudy Manthei, D.O., Chairman, Peter J. Licata, D.O., Vice-Chairman, Gary S. Mono, D.O., Secretary/Treasurer, Paul H. Mozen, D.O., and Ms. Pamela Parenti. Others present included: Others Present Included: Larry J. Tarno, D.O., Executive Director, Trey Delap, Deputy Executive Director, Charlotte Bible, Esq., Deputy Attorney General, Bruce Hasenkamp, JD, Member of the Board of Directors of the Federation of State Medical Boards, and Tim Knettlar, Vice-President of Member Services, Federation of State Medical Boards.

**II In the matter of the Complaint Against Richard M. Taylor, D.O. (License #438):
Public Hearing (Case # AG-01-0-6)**

Dr. Manthei called the matter concerning the complaint against Richard Taylor, D.O. Dr. Taylor was present with counsel Louis Test, Esq.

Dr. Mozen disclosed that he has treated Dr. Taylor approximately 10 years ago as his physician. There was no objection by counsel to participate in the hearing.

Charlotte Bible presented the stipulation for settlement in detail. In the settlement Dr. Taylor admitted to both counts of the complaint. Mr. Test echoed the response of Ms. Bible and indicated that his client accepted the terms of the stipulation.

Dr. Manthei questioned Dr. Taylor concerning his understanding of the terms of the stipulation.

There was a discussion concerning Dr. Taylor's failure to respond to the renewal notice of his license. Mr. Test indicated that Dr. Taylor would respond to the renewal notice and renew his license.

The stipulation includes placing respondent's license on suspension for 7 years including other term. Should respondent fail to meet the requirements of the probation the board would hold a hearing to determine violation of the probation. If the board found a violation of the probation the board would carry out the stayed revocation.

There was a discussion concerning the terms of the probation and further actions of the board concerning the complaint and compliance with the probation.

Dr. Manthei ended the discussion and called for a motion. Dr. Mono motioned to accept the stipulation agreement; the motion was seconded by Dr. Mozen, the motion carried unanimously with Dr. Licata not voting, as Dr. Licata was the investigating board member of the complaint.

III Consideration of Monitoring of Leo J. Capobianco, D.O. per Board Order of August 20, 2001 (Case # CV-306-00):

Mr. Delap informed the board that Dr. Capobianco would not be able to attend the meeting but asked the Board to consider Dr. Raymond Mondora as the monitoring physician. Further, Dr. Capobianco has successfully renewed his license.

Ms. Bible provided a summary of the complaint that Dr. Capobianco's license was convicted of Medicare fraud, his license was suspended for 6 months and he was sentenced to 6 months of incarceration.

There was discussion concerning CME's regarding Medicare/Medicaid fraud and other issues concerning other discipline of other states and what specifically would be included in the monitoring. Dr. Manthei recommended that the board appoint a board member to meet

with Dr. Capobianco to discuss the monitor ship. Dr. Manthei nominated Dr. Licata to meet with Dr. Capobianco to determine the terms of the monitoring.

Dr. Mozen moved that Dr. Licata evaluate Dr. Capobianco to determine terms of monitorship and report back to the board. Hearing no discussion, the motion passed unanimously.

IV Receipt of Monitoring Report of David Moon, D.O. per Consent Agreement of January 16, 2001 (Case # CV-446-98):

The board reviewed the report from Dr. Eric Toder, the appointed monitor, regarding Dr. Toder's review of Dr. Moon pursuant to the terms of the stipulation.

Dr. Toder concluded that he saw improvement in Dr. Moon's charting, that he provided Dr. Moon with guidelines concerning proper charting of patients being treated for pain. Dr. Toder concluded that Dr. Moon's charting had improved over the duration of the monitoring and recommended that the board conduct a random review in the next several months.

There was a discussion concerning the content of the monitoring report and the physician's current practice. There was information offered by Dr. Licata regarding potential concerns regarding Dr. Moons practice. Dr. Tarno advised the board that Dr. Moon had complied with the terms of the stipulation agreement except for the CME requirement and that this matter was exhausted. Ms. Bible concurred and offered that if there are new allegations that a new investigation into new charges must be conducted and that the current complaint is exhausted.

Dr. Licata moved that an inquiry be conducted to the pharmacy board concerning the prescribing habits of Dr. Moon. The motion was seconded by Dr. Mono and passed.

V Consideration of modification of Terms of Contract for services of Larry J. Tarno, D.O. as Executive Director and John E. Delap, III, Deputy Executive Director

Dr. Tarno and Mr. Delap offered information concerning that Dr. Tarno and Mr. Delap had an appropriate line of authority from the Board to the Deputy Executive Director. The concern is that sub-contracting a Deputy Executive Director may not be sufficient into execution of the duties of the Executive Office.

Ms. Bible raised two concerns; first that the authority is appropriately applied, second, that Dr. Tarno and Mr. Delap have the protections afforded to state employees in the execution of their duties on behalf of the board. Ms. Bible suggested that more consideration of this agreement must be made.

Ms. Parenti moved that the Chairman be delegated the authority to negotiate a contract with Dr. Tarno and Mr. Delap. Dr. Licata seconded, motion passed.

VI Consideration for Approval of New Contract between Nevada State Board of Osteopathic Medicine and The Nevada Health Professionals Assistance Foundation (The Diversion Program)

Dr. Tarno recommended that the board renew its contract with the diversion program at a rate of \$10,000.00 per annum. The board discussed the diversion program and the proposed

contracted amount. Dr. Manthei motioned to contract with the diversion program at that rate, seconded by Dr. Mozen and motion passed.

VII Executive Directors' Report/Financial Report

Dr. Tarno reported that Senator Ann O'Connell had asked the board to participate in sub-committee hearings concerning suicide prevention meeting on Friday, February 1, 2002, in Carson City. Dr. Mozen offered to represent the board at the sub-committee meeting regarding current re-certification or re-licensure requirements specifically regarding recognition of suicidal behavior.

Dr. Tarno reported about his involvement in the sub-committee hearings concerning Medical Errors. The sub-committee is addressing the Institute of Medicine's recent report on extremely high incidence of medical errors. This report has triggered many legislatures in many states in addressing this issue. Dr. Tarno and Ms. Bible provided some background on the issue and the sub-committees work in this area.

Dr. Tarno offered the renewal status that 632 renewal applications had been sent out, 521 licenses had been successfully renewed, 26 outstanding licenses in Nevada (61 out of state), and 24 Elective non-renewals. Deposits since October meeting totaled \$168,848.50, the current balance in the checking account was \$182,619.47, balance of the Money Market account was \$50,065.81 yielding total cash on hand as \$232,658.28.

Mr. Delap offered information regarding the Federation of State Medical Boards annual meeting. Mr. Delap asked that the board designate a member to serve as voting delegate to the Board meeting. Dr. Manthei moved to designate Dr. Mozen as the Boards representative and voting delegate. The motion was seconded by Dr. Licata, and passed.

Dr. Tarno reported on his attendance of the American Association of Osteopathic Examiners meeting in New Orleans. He reported on taking the first part of the COMLEX exam offered by the National Board of Osteopathic Medical Examiners. The test is geared towards assessing basic competence of general medical knowledge as a tool regarding re-licensure or questions of assessing competence. Dr. Tarno found that the test was a good tool and contained specific areas concentrating on OPP/OMT.

Mr. Delap directed and reviewed miscellaneous correspondence including a letter from the Colorado Medical Board thanking Dr. Manthei for his help in serving as an expert witness in a case that board was investigating.

The board addressed Dr. William Bannister's letter regarding retired status of his license. He requested that his license be coded as "retired". The Board discussed this issue at length and respected his request for a retired designation.

VIII Consideration of Proposed Regulations

IX Consideration of Revisions to Procedures, Interview, and Ethical Testing of Applicants for Osteopathic Medical Licensure (Discussion/Action)

Dr. Manthei asked the board to review information prepared. There was some discussion on the issue and it was tabled until the next board meeting.

X Presentation from Executive Staff and Member of the Board of Directors of the Federation of State Medical Boards

Mr. Tim Knettlar, Vice-President, Member Board Services, Federation of State Medical Boards, and Mr. Bruce Hasenkamp, JD, Member, Board of Directors of the Federation of State Medical Boards introduced themselves, discussed their medical background.

Both Mr. Knettlar and Mr. Hasenkamp provided the board a comprehensive overview of services provided by the Federation of State Medical Boards. Including policy development services, Physician Data Center disciplinary alert procedures, Federation Credential Verifications Services, and assistance in maintaining medical board independence. They encouraged all of the board members to attend the annual meeting held in San Diego.

Dr. Mozen motioned that any board member wishing to attend the FSMB annual meeting attend at the board's expense, seconded by Ms. Parenti, passed.

XI Legal Report Ms. Bible reported on the status of the AGO requested by Dr. Manthei.

+XII Interview of Applicants: CLOSED SESSION

Appearance on Saturday, January 19, 2002 between 2:00PM and 5:00PM.

Dr. Manthei moved to go into closed session to interview applicants, seconded by Ms. Parenti, motion passed.

XIII Voting on Applicants:

Jes Cresencia, PA-C with David Moon, D.O.

Motion to table issuance of certificate made by Dr. Molzen, Seconded by Dr. Manthei.

Soheil Goravanchi, D.O. Anesthesiology

Dr. Manthei made the motion to grant licensure, seconded by Dr. Molzen, passed by vote of 4-1. He shall have license #1059.

Bess Chang D.O. Neurology

Dr. Licata made the motion to grant licensure, seconded by Dr. Manthei, passed unanimously. She shall have license #1056.

David Kuo, D.O. Radiology

Dr. Licata made the motion to grant licensure, seconded by Dr. Manthei, passed unanimously. He shall have license #1058.

Allison Ryan, D.O. Internal Medicine

Dr. Molzen made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. He shall have license #1051.

Robert Toledo, D.O. Obstetrics/Gynecology

Dr. Licata made the motion to grant licensure, seconded by Dr. Mono, passed unanimously. He shall have license #1057.

Heather Cash, PA-C Michael Falvo, D.O.

Dr. Licata made the motion to grant a letter of permission, seconded by Dr. Manthei, passed unanimously. She shall have Certificate #101.

Debra Nowlin, PA-C with William Miyazaki, D.O.

Dr. Licata made the motion to grant a letter of permission, seconded by Dr. Mono, passed unanimously. She shall have Certificate #88.

Richard Hiller, D.O. General Practice

Dr. Manthei made the motion to grant licensure, seconded by Dr. Mozen, passed unanimously. He shall have license #1055.

Susan Shields, PA-C with Dana Forte, D.O.

Dr. Licata made the motion to grant a letter of permission, seconded by Dr. Manthei, passed unanimously. She shall have Certificate #100.

Melvin Nutter, D.O. Anesthesiology

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. He shall have license #1054.

Nadir Rohani, D.O. Internal Medicine

Dr. Licata made the motion to grant licensure, seconded by Dr. Mono, passed unanimously. He shall have license #1053.

Randall Yee, D.O. Sports Medicine/Orthopedics

Dr. Licata made the motion to grant licensure, seconded by Dr. Mono, passed unanimously. He shall have license #1052.

Mitar Viranic, D.O. Vascular and General Surgery

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. He shall have license #1049.

XIV Matters of Future Agenda AGO Corporate Practice of Medicine

XV Public Comment Period No- Public Comment

XVI Next Meeting Date Set and Adjourn

The date for the Next meeting was set for Saturday, May 11, 2002 to be held in Las Vegas. (The Chairman later changed the date to Saturday, May 18th, 2002.