



## NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

### *REGULAR BOARD MEETING MINUTES*

*November 15, 2008*

**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:

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:

Weldon "Don" Havins, MD, JD, Executive Director  
Barbara Longo, Office Manager  
Lori Beldon, Endorsement Specialist  
Kathy Kelly, CPA, Auditor  
Dianna Hegeduis, Esq., Board Consul

Public:

Denise Selleck-Davis, NOMA  
Robert Kessler, DO  
Larry Tarno, DO

**II. APPROVAL OF MINUTES FROM SEPTEMBER 25, 2008 BOARD MEETING, JULY 29, 2008 BOARD MEETING, AND SEPTEMBER 11, 2008 BOARD MEETING (Discussion/Action) Daniel Curtis, D.O., Chairman**

09/25/08 minutes to approve motion was made by Dr. Curtis, seconded by Dr. Kalekas, and approved by the Board.

07/29/08 minutes has one correction for item #3 on the first page, item #1 last sentence has a double negative. Dr. Curtis made a motion to approve the minutes as amended, seconded by Dr. Manthei, and approved by the Board.

09/11/08 minutes does not have a date on top and the “Emergency” part of the title needs to be removed. Dr. Curtis made a motion to accept the amended minutes, seconded by Dr. Kalekas, and approved by the Board.

**III. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS (Discussion/Action)** Weldon Havins, M.D., J.D., L.L.M., 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.

Consent agenda to grant FULL LICENSURE to the following applicants:

|                        |                   |
|------------------------|-------------------|
| John Clair, DO         | Internal Medicine |
| Homayan Iraninezad, DO | Internal Medicine |

Dr. Milne made a motion to approve effective January 1, 2008, seconded by Dr. Kalekas, and approved by the Board.

Consent agenda to grant SPECIAL LICENSE to the following applicant:

|                          |          |
|--------------------------|----------|
| Mazen Bazzi, DO          | Resident |
| Aki Al-Zubaidi, DO       | Resident |
| Thomas Alfreda, DO       | Resident |
| Tabreez Ali, DO          | Resident |
| Minesh Amin, DO          | Resident |
| Heather Amos, DO         | Resident |
| Alex Anastasiou, DO      | Resident |
| Rod Ballelos, DO         | Resident |
| Jamal Balouch, DO        | Resident |
| Clairissa Baretto-Ko, DO | Resident |
| Mykola Bartkiw, DO       | Resident |
| Jonathan Bellew, DO      | Resident |
| Sanjay Bhambi, DO        | Resident |
| Inderpal Biring, DO      | Resident |
| Bret Bitza, DO           | Resident |
| Bahareh Bonyadi, DO      | Resident |
| Bryant Boyack, DO        | Resident |
| Henry Brown, DO          | Resident |
| David Buckalter, DO      | Resident |
| Marc Burdick, DO         | Resident |
| Nathanael Cardon, DO     | Resident |
| Jason Castro, DO         | Resident |
| Wei Chen, DO             | Resident |
| Michael Chipman, DO      | Resident |
| Katherine Clifford, DO   | Resident |
| Sarah Colwell, DO        | Resident |
| Melissa Cox              | Resident |
| Chan-Tran Dang, DO       | Resident |

|                           |          |
|---------------------------|----------|
| Leslie Denton, DO         | Resident |
| Todd Dukes, DO            | Resident |
| Brian Earley, DO          | Resident |
| Brian Enriguez, DO        | Resident |
| Frank Farina, DO          | Resident |
| Dmitry Feldman, DO        | Resident |
| William Hal Gallimore, DO | Resident |
| Kavita Gande, DO          | Resident |
| Charles Garcia, DO        | Resident |
| Florina Gershenson, DO    | Resident |
| Tiffany Gomillion, DO     | Resident |
| Tiffany Grace, DO         | Resident |
| Neepa Gurbani, DO         | Resident |
| Salima Hassanali, DO      | Resident |
| Scott Hendrickson, DO     | Resident |
| Fabian Hernandez, DO      | Resident |
| Jeffrey Huang, DO         | Resident |
| Paul Janda, DO            | Resident |
| Nathan Jenson, DO         | Resident |
| Jason Jorgensen, DO       | Resident |
| Akbar Khalid, DO          | Resident |
| Grace Kim, DO             | Resident |
| Susun Kim, DO             | Resident |
| Nikolaus Kubista, DO      | Resident |
| Seth Lambert, DO          | Resident |
| Troy Markus, DO           | Resident |
| Toresa Martell, DO        | Resident |
| Jon Radley Martin, DO     | Resident |
| Matt Martin, DO           | Resident |
| Michael McMurtry, DO      | Resident |
| Brent Michaels, DO        | Resident |
| Saira Momin, DO           | Resident |
| Lina Nagia, DO            | Resident |
| Darrick Neibaur, DO       | Resident |
| Karen Nelson, DO          | Resident |
| Khanghy Nguyen, DO        | Resident |
| Trung Nguyen, DO          | Resident |
| Jeremiah Nielson, DO      | Resident |
| Angela Ortega, DO         | Resident |
| Vinay Pampati, DO         | Resident |
| Harpreet Panesar, DO      | Resident |
| Daniel Park, DO           | Resident |
| Susannah Pazdral, DO      | Resident |
| Aaron Peterson, DO        | Resident |
| Alicia Pilarski, DO       | Resident |
| Katrina Platt, DO         | Resident |
| Jan Pring, DO             | Resident |
| James Robbins, DO         | Resident |
| Steven Rode, DO           | Resident |
| Shamayel Roshan, DO       | Resident |
| Clint Salo, DO            | Resident |
| Shaun Sanucci, DO         | Resident |

|                     |          |
|---------------------|----------|
| Kirsta Schoeff, DO  | Resident |
| Katie Scott, DO     | Resident |
| Tatyana Shekhal, DO | Resident |
| Gary Simpson, DO    | Resident |
| Mark Stradling, DO  | Resident |
| Heather Tadayon, DO | Resident |
| Michele Tamse, DO   | Resident |
| Ronald Tang, DO     | Resident |
| Lisa Thayer, DO     | Resident |
| Tracy Tran, DO      | Resident |
| Falgun Trivedi, DO  | Resident |
| Kevin Tsui, DO      | Resident |
| John Tucker, DO     | Resident |
| Pritbir Virk DO     | Resident |
| Linda Walden, DO    | Resident |
| Vanessa Walker, DO  | Resident |
| Dan-Yu Wang, DO     | Resident |
| Aimee Warren, DO    | Resident |
| Melanie Watson, DO  | Resident |
| Travis Wawshut, DO  | Resident |
| Shanna Williams, DO | Resident |
| Mara Windsor, DO    | Resident |
| Jonathan Wirjo, DO  | Resident |
| Darren Wirtz, DO    | Resident |
| Brent Woodson, DO   | Resident |
| Abby Worrall, DO    | Resident |
| Jennifer York, DO   | Resident |

Rota Rosaschi made a motion to approve the Special Licenses, seconded by Dr. Kalekas, and approved by the Board.

**IV. RATIFICATION OF CONTRACT FOR LOBBYING SERVICES BY BRYAN GRESH & ASSOCIATES (Discussion/Action) Daniel Curtis, D.O., Chairman**

Introduction by Dr. Havins, and discussion ensued by the Board members on what the lobbyists role would be. Motion to accept the contract by Dr. Milne, seconded by Dr. Kalekas, and approved by the Board.

**V. RATIFICATION OF CONTRACT WITH NEW ACCOUNTANTS, BERKLEY, BERKLEY, AND ANDREWS, CPAs (Discussion/Action) Daniel Curtis, D.O., Chairman**

Discussion by the Board, motion by Dr. Curtis, seconded by Lisa Miller-Roche, and approved by the Board.

**VI. DISCUSSION AND ADOPTION OF PROPOSED NEVADA ADMINISTRATIVE CODE REGULATIONS OF THE NEVADA BOARD OF OSTEOPATHIC EXAMINERS, R192-07P, REGARDING PHYSICIAN ASSISTANTS (Discussion/Action) Daniel Curtis, DO, Chairman**

Dr. Curtis had Dr. Havins explain the proposal. There is a mandate from the last legislative session that the Board develop regulations, by the 1<sup>st</sup> of this year, for licensing

Physician Assistants through the Board of Osteopathic Medicine. There was an initial proposal for regulations that were presented to the Board before January 2008 and initially approved by the Board, and then was not followed through. The regulations are now back to us for approval, then given to the LCB for final adoption. Robert Kessler, DO made public comments regarding concerns about the relationship between PAs and physicians. His concern is that the PAs can practice in a specialty other than the physician who is supervising him. Dr. Havins stated that NRS 633 statutes provide that the physician assistant may only treat within the specialty of the collaborating physician. Dr. Tarno made comments that the LCB has all ready been paid for the adoption of the regulations. Dr. Havins pointed out that Dr. Kessler's concerns were covered in the statutes. Dr. Kalekas made a motion to adopt the regulation, R192-07P, seconded by Dr. Curtis, and approved by the Board.

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

This item was tabled to the next meeting because the signed settlement agreement was not received.

**VIII. CONSIDERATION OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING LAMONT TYLER, DO (Discussion/Action) Dean Milne, D.O., Vice-Chairman**

The complaint was explained by Dianna Hegeduis. Dr. Tyler never practiced in Nevada and this is based on disciplinary issues in another State. He agreed to admit to the unethical and/or unprofessional conduct that he engaged in consensual sexual relationship with a certain female patient from 2002 until October 2003 and resulted in the entry of a consent order by the Illinois Department of Financial and Professional Regulations on or about September 29, 2005. He agrees that his license in the State of Nevada will expire and he will not seek to have it placed on the inactive status or any other status. In exchange for that admission in a public document, the Board will not pursue any other actions against him. We will be collecting a fine penalty against him of \$7,500.00. He will be making a payment of \$750.00 per month beginning on December 15, 2008 and continuing thereafter until paid in full. In the event that he defaults on the amount or on this agreement and does not make payment, his full indebtedness becomes due and owing, we have the right under NRS Chapter 353C to reduce it to a formal judgment. The DAG can then record it any County in any State of this Union, refer to a collection agency, or garnish wages. There is the agreement that he will not sue us. Discussed by the Board, a motion was made by Dr. Kalekas, seconded by Rota Rosaschi, and approved by the Board. Dr. Milne signed the agreement.

**IX. CONSIDERATION OF BOARD POLICY REGARDING LICENSEES WHO HAVE NOT PROVIDED EVIDENCE OF COMPLIANCE WITH CONTINUING EDUCATION REQUIREMENTS (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Havins explained that we are required to survey 33% of the licensees for CME credits. We have a few who do not meet the requirements. They either have not responded or they have inadequate numbers of CMEs required. They had answered on their renewal form that they had adequate CME numbers, but these answers were false. The question is what are we to do with these licensees? We have seven in this category at this point. We have done nothing with them at this point. What does the Board want

to do and how do you want to approach this? Do you want to go strictly by the Statutes or do you want to bring them in. This was discussed by the Board. Dr. Milne recommended to give them 60 days to be compliant then fine them between \$500 and \$1000.00. Dr. Curtis recommended a fine of \$1,000.00 and to give them a time limit of 60 days. Dianna read the statutes and regulations that apply to the CME requirements and pointed out that it has to be for the prior year and cannot be made up the next year. The Board can establish a policy for a fine and agreement to comply to the CME requirements and not have a formal disciplinary hearing. Dr. Curtis suggested a settlement agreement for each that did not comply. A fine is not reportable. Dr. Curtis recommended that for anyone who does not have their CMEs, a complaint be filed against them, they should meet with Dianna on these items, come up with a reasonable time frame to comply, and if they don't agree or comply, then the license would be revoked.

**X. CONSIDERATION OF FORMAL CONFLICTS OF INTEREST POLICY OF THE NEVADA BOARD OF OSTEOPATHIC MEDICINE (Discussion/Action)**  
Daniel Curtis, D.O., Chairman

Dr. Havins explained that some of the Boards have a formal conflict of interest policy and other Boards rely on NRS 281. Does this Board want to have a formal conflict of interest policy separate from NRS 281 or does the Board wish to have our lobbyist recommend to the legislature that if they desire a formal conflict of interest policy more specific than NRS 281, the Legislature promulgate whatever they want and our Board will comply. What is the Board's position? The Board's consensus is to wait and see if the Legislature addresses this issue during the session, and have the lobbyist handle it at that time.

**XI. PRESENTATION OF STATUS OF AUDIT BY KATHY KELLEY, CPA (Discussion/Action)** Daniel Curtis, D.O., Chairman

This was discussed in closed session. She cannot complete her audit until the AG's office finishes their investigation. Barbara will notify the Legislative Counsel Bureau that we will not make the December 1<sup>st</sup> deadline for reporting the annual audit because of an AG ongoing investigation.

**XII. AUTHORIZATION OF INCREASE IN ALLOWABLE EXPENDITURE FOR AUDIT BY KATHY KELLEY, CPA (Discussion/Action)** Daniel Curtis, DO, Chairman

Kathy Kelley's original contract was that the audit would cost between \$6,000.00 and \$7,500.00. The Board has all ready paid her \$7,500.00. As of Friday, she has additional fees of \$4,111.00 and the audit is still not complete. There have been issues on the audit that have caused more time on the audit. An estimate to complete the audit would be another additional 10 to 15 hours, which total approximately \$6,000.00 additional fees on the audit. Dr. Curtis made a motion to accept the increase, Dr. Kalekas seconded, and the motion passed to accept the additional amount due.

**XIII. NEVADA STATE BOARD OF MEDICAL EXAMINERS REQUEST TO RENT OFFICE SPACE IN THE OFFICES OF THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE (Discussion/Action)** Daniel Curtis, DO, Chairman

This is connected with item XIV for the investigator to have an office here. This item was discussed by the Board. There was no motion on this item.

**XIV. CONSIDERATION OF UTILIZING PART-TIME PROFESSIONAL INVESTIGATOR (Discussion/Action) Daniel Curtis, DO, Chairman**

The part-time investigator would cost approximately \$39,000.00 and we would provide a full time office space. He would work 20 hours a week. There was a discussion by the Board members. There was no motion on this item.

**XV. SCHEDULE OF MEETINGS OF THE NEVADA BOARD OF OSTEOPATHIC MEDICINE FOR 2009 (Discussion/Action) Daniel Curtis, DO, Chairman**

It was discussed to have Board meetings on the first Tuesday evening of every month beginning in January. The January 7, 2008 meeting will be moved to January 6, 2008. Dr. Kalekas made a motion, Dr. Milne seconded, and it was approved.

**XVI. BOARD POLICY REGARDING INFORMATION TO BE DISCLOSED TO PUBLIC REGARDING LICENSEES (Discussion/Action) Daniel Curtis, DO, Chairman**

There was a discussion of what can be discussed and is open to the public. Dianna Hegeduis, our Senior Deputy Attorney General advised that license applications are public information except for the social security number, date of birth and mother's maiden name.

**XVII. FOR 2010, CONSIDERATION OF RAISING APPLICATION AND INITIAL LICENSE FEE FOR OSTEOPATHIC PHYSICIANS TO \$800 AND RAISING ANNUAL LICENSE RENEWAL FEE FOR AN OSTEOPATHIC PHYSICIAN TO \$500 AS PROVIDED IN NRS 633.501 (Discussion/Action) Daniel Curtis, DO, Chairman**

This was discussed, a motion was made by Dr. Curtis, seconded by Dr. Manthei, and approved effective 2010.

**XVIII. CONSIDERATION OF RAISING FBI FINGERPRINTING PROCESSING FEES FROM \$50 TO \$70 (Discussion/Action) Daniel Curtis, DO, Chairman**

This was discussed, a motion was made by Dr. Milne, seconded by Dr. Manthei, and approved by the Board.

**XIX. EXECUTIVE DIRECTORS REPORT (Discussion/Action) Weldon Havins, M.D., J.D., Executive Director**

- a. Quickbooks Balance Sheet and Income Statement.
- b. Bank Account balances
- c. Executive Summary Report
  - i. Salary of Barbara Longo, Office Manager  
Barbara's salary was raised to \$60,000 per year effective immediately. A motion was made by Dr. Milne, seconded by Dr. Manthei, and approved.
  - ii. Affirmation of Hourly Wage of new investigator/discipline/office receptionist specialist.

A motion was made by Rota to confirm Lori Belden-Kim's salary at \$15 per hour, seconded by Dr. Milne, and approved.

iii. Licensing Information. We have received 347 DO licensure renewals and 20 PA renewals. Thus far this year, we have received 60 new license applications with 35 approved and 24 in process.

iv. Enforcement Information. Since our last Board meeting, we have had 16 new complaints, with 23 complaints dismissed and 44 on-going investigations of active complaints.

v. K3 Systems contract for offsite data storage. We have an offsite data storage that began 10/01/08 and we had an accident where we lost a large portion of our hard drive. That has been sent to a place that recovers data and that data is recoverable. They are sending out DVD's of that data, which we will check the beginning next week. We will have the hard drive restored by the end of next week. We hope by the end of next weekend that K3 will actually start storing our data offsite.

d. Board Member Expense Reports. Board members may complete the expense report for Board services, which is \$150.00 per day. Some Board members choose to serve pro bono.

e. Amended Budget for 2008-2009 fiscal year. There was a discussion, a motion was made by Dr. Kalekas, seconded by Dr. Milne, and the amended budget was approved by the Board.

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

Dianna discussed the upcoming settlement agreements and hearings that have been set Dr. Kaveh in December 2008 and Dr. Carpenter in January 2009.

**XXI. DISCUSSION AND CONSIDERATION OF POSSIBLE SALARY MODIFICATION AND CHANGE OF TITLE OF EXECUTIVE DIRECTOR, WELDON HAVINS, MD, JD TO EXECUTIVE DIRECTOR AND SPECIAL COUNSEL (Discussion/Action) Daniel Curtis, DO, Chairman**

Dr. Havins stated that he is putting in more hours than he had expected. Dr. Havins requested to be appointed Executive Director and Special Counsel so he can do legal work for the Board. Discussion by the Board to raise Dr. Havins' salary to \$75,000 per year immediately, a motion was made by Dr. Kalekas, seconded by Dr. Curtis, with an additional \$25,000 salary enhancement. A motion was made by Dr. Curtis to change the title, seconded by Dr. Kalekas, and approved. There will be a reevaluation in three months.

**XXII. 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.*

Larry Tarno, DO asked if Mr. Delap had made any payments. Dianna stated that he has not yet made any payments, but it is her understanding that his probation will be revoked if does not pay.

The meeting was adjourned.