

MINUTES

MEETING OF THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

9:00 AM, SATURDAY, NOVEMBER 22ND, 2003

LEGISLATIVE HEARING ROOM #4401
GRANT SAWYER STATE OFFICE BUILDING
555 E WASHINGTON AVENUE
LAS VEGAS, NV 89101

I. CALL TO ORDER (Discussion/Action)

Rudy R. Manthei, D.O., Chairman.

- A. Roll call to determine presence of a quorum
 - a. Members Present Included: Matthew McMahon, DO, Daniel Curtis, DO, Rudy Manthei, DO, Paul Mozen, DO, Bonnie Parnell, and Lisa Miller-Roche, Esq.
 - b. Staff Present Included: Larry J. Tarno, DO, Trey Delap, Coni Longero, John Hambrick.
 - c. Charlotte Bible, Esq., Chief Deputy Attorney General was present.
 - d. Others present for all or some of the meeting included: Denise Selleck-Davis, of NOMA, Carol Bowers, of the Diversion Program, Todd Stanford, PA applicant, J. Daniel Carpenter, DO, applicant for PA supervision, J.A. DePalma, Esq., Attorney for J. D. Carpenter, DO, R. DePalma, with J.A. DePalma, and Wanda McInerney, Court Reporter Laurie Webb and Associates.
- B. Approval of Minutes of August 2nd, 2003 and October 8th, 2003 Meetings.

- a. The Board approved the minutes of the Boards August 2nd and October 8th 2003 Board meetings, motion made by Ms. Miller-Roche, Esq. seconded by Dr. Mono.

II. SWEARING IN AND ADMINISTERING OF OATH TO NEWLY APPOINTED BOARD MEMBERS

Rudy R. Manthei, D.O., Chairman

Dr. Rudy Manthei administered the State Constitutional Oath to the following newly appointed Board Members:

Ms. Bonnie Parnell, Public Member, Carson City, NV
Dr. Matthew McMahon, D.O., Member, Las Vegas, NV
Dr. Daniel Curtis, D.O., Member, Las Vegas, NV
Ms. Lisa Miller-Roche, Esq.

Each member recited the oath in witness of the full Board.

III. HEARING IN THE MATTER OF THE COMPLAINT AGAINST ELLIOT TURETSKY, D.O. (CASE# MA-003-02-259): (Discussion/Action) *NOTE: This item was noticed to be heard not before 10:00 AM

Charlotte Bible, Esq., Chief Deputy Attorney General

- A. Ms. Bible recounted the historical information regarding this complaint.
- B. Ms. Bible requested that this matter be continued until its next meeting so that she may amend the complaint to include additional charges and continue the suspension.
- C. Dr. Turetsky had faxed a notice the day before the meeting requesting an extension of time to contact his attorney to work on his defense. Dr. Turetsky alleged that he had difficulty contacting his attorney due to the holidays.
- D. Dr. Turetsky had further alleged that he was not properly served with the complaint. Ms. Bible, exercising an abundance of caution to ensure that Dr. Turetsky was properly served. The Board accepted this request and continued the matter until the next meeting.
- E. Dr. McMahon moved to continue the matter; Dr. Manthei seconded the motion, passed unanimously.

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

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

Trey Delap, Deputy Executive Director

A. Financial Report

- a. Dr. Tarno reviewed the financial report. Dr. Tarno reported that at this point, the Board was operating in a deficit for FY 03-04. Dr. Tarno stated that the majority of the Board's income is received during the renewal period from October – December.

- b. Dr. Tarno reported that he had intention of moving the Board office from one location in the current building to another location in the same building. Dr. Tarno informed the Board that he intended to have an office in the Board office to conduct certain disability examinations. For purposes of expediting the move, Dr. Tarno stated that he would like to continue the lease in his name.
 - c. Dr. Manthei noted that deficit of the profit and loss over the past year. Dr. Manthei asked about other costs in addition to increase in rent and other costs. Further, other increases concerning staffing and investigative information. Dr. Mozen suggested that the Board members could increase the amount of time they devote to Board business to defray potential staff increases.
- B. Report on Investigations and complaints (statistical information only, for planning and resource allocation purposes.)
- a. Mr. Delap reported on the possibility of a number of hearings coming to fruition in the spring.
 - b. Mr. Delap reported on the enhancements in investigations experienced with the work of Chief Investigator Hambrick as well as continued reporting of malpractice claims.
 - c. Mr. Delap discussed the complaint procedure.
- C. Determination of attendance at AAOE Summit meeting in Scottsdale AZ January 10-11th, 2004. Dr. Manthei indicated that he was asked to attend the AAOE meeting. Dr. Mozen stated that he would attend this meeting on the Board's behalf. Dr. McMahan moved to fund Dr. Mozen's expenses incurred in attending this meeting, second by Dr. Manthei.

V. CONSIDERATION OF RENEWAL OF ANNUAL CONTRACT WITH THE NEVADA HEALTH PROFESSIONALS ASSISTANCE FOUNDATION (The Nevada Diversion Program) (Discussion/Action)

Larry Tarno, D.O., Trey Delap

- A. Carol Bowers, RN, Executive Director of the Nevada Health Professionals Assistance Foundation provided an annual report of the Diversion program.
- B. Ms. Bowers reported about contact with five osteopathic physicians over the past year, with success.
- C. Ms. Bowers reported that the Diversion program did not receive any funding from the Hospital Association.
- D. Ms. Bowers requested that the Board renew its annual contract in the amount of \$9,999.99 for the next year.
- E. Dr. Tarno, Ms. Bowers, and Mr. Delap talked about the importance of the expertise and specialized services provided by the Diversion program.
- F. Dr. Tarno reiterated that the authority for the Diversion program to confront possibly impaired physician comes from the Board.
- G. The Board discussed the process for referral to the diversion program, evaluating, treating, and monitoring of physician enrolled in the Diversion program.

H. Dr. Manthei moved to renew the contract with the Diversion program at the current spending level, seconded by Dr. Mozen, passed unanimously.

VI. CONSENT AGENDAS TO GRANT LICENSURE AND LETTERS OF PERMISSION FOR OSTEOPATHIC PHYSICIANS ASSISTANTS

(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.

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

Francis J. Bassani, D.O.	OB/GYN
Douglas Bushell, D.O.	Emergency Medicine
William C-Y Chow, D.O.	Dermatology
Barbara B. Cortez, D.O.	Dermatology
Francis A. Cortez, D.O.	Family Practice
Adam T. Crilly, D.O.	Emergency Medicine
Allen A. Erisman, D.O.	Emergency Medicine
Robert D. Goff, D.O.	Emergency Medicine
Craig A. Hartman, D.O.	OB/GYN
Daniel G. McGrath, D.O.	Family Practice
Richard C. Orr, D.O.	Family Practice
Leon I. Rosky, D.O.	Family Practice

Dr. Manthei reviewed the applicant process, noting that Dr. Tarno reviews the applications prior to the Board meeting, and questions or concerns are addressed by the Executive Director and the applicant may be asked to appear before the Board for an interview. Ms. Bible clarified some legal questions the Board had regarding the Consent Agenda Application process.

Dr. McMahon asked to withhold William C-Y Chow, D.O. from the Consent Agenda.

Dr. Manthei made the motion to grant licensure to all of the above except William C-Y Chow, D.O., seconded by Dr. Mozen, passed unanimously.

B. Consent agenda to grant LETTERS OF PERMISSION TO EMPLOY AN OSTEOPATHIC PHYSICIANS ASSISTANT

Russell Morrill, PA-C	(Steven Gunnell, D.O.)
Michael Stern, PA-C	(Sheldon Shore, D.O.)

Dr. Manthei made the motion to grant Letters of Permission to the above listed DO's to employ Physician Assistants, seconded by Ms. Parnell, passed unanimously.

VII. ORIENTATION FOR NEWLY APPOINTED BOARD MEMBERS

Rudy Manthei, D.O., Larry Tarno, D.O., Trey Delap, Charlotte Bible, Esq.

- A. Dr. Tarno, Mr. Delap, and Ms. Bible conducted a comprehensive orientation to the functions, powers, positions, and responsibilities of the Board of Osteopathic Medicine.
- B. A power point presentation was provided with review of the relevant chapters of the NRS concerning the regulation, licensing, enforcement powers of the Board.
- C. Ethic requirements of Member, orientation to the Open Meeting Law and other sections of the Administrative Procedures Act were all reviewed.
- D. The Board engaged in didactic discussion with senior members, the chairman, and staff concerning the Boards functions.

VIII. DISCUSSION ON INTERPRETATION AND ENFORCEMENT OF CHAPTER 633 OF THE NEVADA ADMINISTRATIVE CODE REGARDING APPLICATION AND PROCESSING OF LETTERS OF PERMISSION FOR PHYSICIAN ASSISTANTS AND EXPIRATION OF LETTERS OF PERMISSION. (Discussion/Action)

Larry Tarno, D.O., and Trey Delap

- A. Mr. Delap reviewed the relevant statues and regulations governing Physician's Assistants. The Board has not been enforcing the regulations as written, Mr. Delap asked for clarification of the regulation and notice that the enforcement of the time-limitation of osteopathic PA letters of permission to three years, whereby the employing physician and the PA shall be required to re-apply for the letter of permission.
- B. Mr. Delap explained the requisite requirements of a letter of permission as specifically outlining the scope of practice for the PA.
- C. Mr. Delap reviewed that applicant DO's and proposed PA's are required to be interviewed by the Board. This was discussed, the change of the regulations disposing the required DO interview, however, the DO and the PA are specifically required under separate regulation to be interviewed by the Board.
- D. Revisions to the PA regulations may be considered during the spring 2004 workshops on proposed regulations.

The Board accepted the notice and informed Mr. Delap and the Executive staff that the regulations as written shall be enforced.

IX. LEGAL REPORT (Discussion/Action)

Charlotte Bible, Esq., Chief Deputy Attorney General

There was no legal report.

X. CONSIDERATION OF DRAFTING PROPOSED REGULATIONS

(Discussion/Action)

Topics for consideration may include but are not limited to:

- A. Medical Records Retention and Distribution

- a. This particular item was not discussed.
- B. Definitions for the term, “resident”, per NRS 633.311
 - a. The Board suggested that the term resident referred to, “resident physician” in lieu of a resident of the city, state, or county of the location of a particular program.
- C. Definitions for the term, “progressive postgraduate medical training” per NRS 633.311 as amended by SB 250 (Nevada Legislature 72nd session, 2003).
 - a. Dr. Manthei stated that the original intent of the three year post graduate training requirement was to ensure adequate educational exposure in a particular specialty. Through discussion, the Board determined that the intent of this section of the law is met when a physician completes a program that would qualify the physician for specialization certification by an approved specialty Board of the AOA or the ABMS.
- D. Other matters for the Board’s consideration.

This item was discussed at length, and drafting of the regulations and scheduling of the requisite public workshops will be conducted in the spring of 2004.

XI. MATTERS OF FUTURE AGENDA (Discussion/Action)

XII. PUBLIC COMMENT PERIOD

1. Jerome DePalma, Esq., representing Todd Stanford, PA, regarding his application to work as a PA under Dr. J. Daniel Carpenter inquired as to why the application to employ was not being considered at this meeting.
2. The Chairman asked Mr. Delap to respond to Mr. DePalma’s inquiry. Mr. Delap cited NAC 633.270, reading it into the record. Mr. Delap reported that pursuant to this section that he, in consultation with Dr. Tarno, agreed that there would be more information required from the applicant. Due to the late submission of the application, it was not possible to give proper notice for consideration of the application.
3. Mr. DePalma responded that he has indication of two incidences where the Board has breached confidentiality. Mr. DePalma alleged that an underlying, “business”, going on but would be more specific in a complaint.
4. Dr. McMahon asked Mr. Delap that if the application was received at the same time as an otherwise clean application, that the application would be considered by the Board. Mr. Delap responded that it would be.
5. Ms. Miller-Roche asked Mr. Delap to clarify that the reasoning for not placing the application on the agenda was a procedural decision pursuant to review of the application. Mr. Delap confirmed Ms. Miller-Roche’s statement.

XIII. SCHEDULING OF NEXT MEETING INCLUDING A SPECIAL MEETINGS, HEARINGS AND ADJOURN (Discussion/Action)

The next meeting was scheduled for February 6th – 7th 2004. Mr. Delap requested planning the entire year's meetings well in advance. Dr. Manthei requested that Mr. Delap submit a proposed schedule for the members' consideration.

Notices posted at the following locations:

Clark County Library, 1401 E. Flamingo Rd., Las Vegas, NV 89119

Washoe County Library, 301 S. Center Street, Reno, NV 89052

Sawyer State Building, 555 E. Washington Avenue, Las Vegas, NV 89101

Office of the Nevada State Board of Osteopathic Medicine

2860 E. Flamingo Rd., G, Las Vegas, NV 89121

Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701