

**MINUTES**  
**NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE**  
**SATURDAY, JANUARY 15, 2000 AT 9:00 AM**  
**HARVEY'S HOTEL RESORT/CASINO, LAKE TAHOE, NV**  
**TAHOE ROOM**  
**STATELINE, NEVADA**

**I Call to Order: Rudy R. Manthei, D.O., Chairman**

Meeting called to order at 9:10 AM.

Present: Dr. Manthei, Dr. Daitch, Dr. Schreiber, Dr. Bannister, Louis Ling, Assistant Attorney General, Wauna Selleck, Dr. Tarno, Mr. Kersey, Dan Boulton, D.O. of the public.

**II Review of Minutes of the November 20, 1999 Meeting:**

Mr. Kersey made a motion to approve the Minutes and Financial Reports. Dr. Bannister seconded the motion. Dr. Bannister pointed out that there was an error under item III, Investigative Report, second sentence where it says Sara Price reported that one case currently being investigated. The word correctly should be currently. The Minutes were considered complete and correct and the Motion was passed to accept the Minutes.

**III Financial Report:**

Dr. Tarno requested they be deferred until the next meeting, since there really was nothing to report at present time. We're still in the process of re-registration and in the next session will be more fully discussed at the March meeting.

**IV Investigative Report:**

Dr. Manthei reported that there were five cases currently at the stage of needing to be closed or continued. One of these was definitely to be dismissed. One file was not available to him for some reason and there were probably three cases to go to Hearing at the next Board meeting. Also, he had stated he reached a point in time where he wished to be relieved from reviewing all of the Complaints. Consequently, a Motion was made by Mr. Kersey to assign the future Complaints in the Southern Nevada area to Dr. Daitch. Dr. Bannister seconded that Motion and the Motion passed. Dr. Bannister has agreed to continue to handle Complaints for Northern Nevada.

**V Legal Report:**

Dr. Manthei reported that Sara Price, Deputy A.G., had been reassigned to a different situation in the Attorney General's office and that he had set a meeting to meet with Sara Price and her supervisor to discuss the situation regarding the rather frequent movement of the Assistant Attorney General person assigned to our Board. He reported that he intended to send a letter to the Attorney General, discussing this situation with him and requesting that one person be assigned for a long enough period of time to really help us go forward with current complaint cases. Mr. Ling suggested sending a letter to the Attorney General complaining and perhaps asking the Northern Nevada Attorney General Assistant.

There was no formal report by the Attorney General's office under this section. Dr. Tarno did inform Mr. Ling that over the past year and a half there's been at least three separate people assigned to our Board from the Attorney General's office and there is a Complaint that all three of those people have worked on that is quite serious and should have come up for a Hearing before now and it is still in the investigative states. We have had cooperation, at least by intent, on the part of the people assigned; but just as they are ready to get a complaint to the point of hearing, there's a change in personnel. Dr. Tarno stressed that he can understand the need for each new person to approach a case from the standpoint of how that person feels the case should be managed and undertaken and that neither he nor Dr. Manthei are upset about that situation, but there is concern that with the constant change in personnel, cases are not being brought to the state of Hearing in an expeditious manner. This is unfair to the Complainant and it is also unfair to the person who is complained against and obviously it's not proper, in terms of the Board's duty to the public

One of the suggestions Mr. Ling made was to talk to Leslie Nielsen, Head of the Civil Division of the Attorney General's office in Southern Nevada, regarding this matter to see if she could help us get this straightened out and get someone who would be more stable in the position. It's of interest to note since the Board meeting that Leslie Nielsen has been in a position of moving into a job, I believe, with the City of North Las Vegas, and will no longer be with the A/G's office. It would appear then that Mr. Ling's suggestion to have a person from the Northern part of the State serve on the Board is a very good one and might be feasible.

Dr. Manthei said he would generate a letter to the Attorney General, Frankie Sue Del Pappa, with a copy to Leslie Nielsen outlining the problem that we have had with the continuity of the people representing our Board in the A/G's office. Also, we will suggest or recommend that Sara Price be continued with the cases that she is familiar with to the point of having those cases finalized or prosecuted.

Mr. Ling also suggested to the Board in the future if more funds become available, we consider having a Deputy A/G on half-time or quarter-time basis, rather than on an hourly basis, as we're doing now. This would make the person more available and might help to improve the stability and continuity of representation. He state that one of the Boards that he represents currently hires him on a half-time basis and theoretically, he would be available to them 20 hours a week. The Medical Board,

for instance, does utilize the A/G's office at least on a part-time basis, but also has full time counsel that works for the Board exclusively.

Dr. Tarno pointed out that there have been wide variation of opinions from the various Assistant A/G's on how to report to the Board the matter of Malpractice judgments against physicians/ The insurance companies that pay Malpractice judgments are required by the Statute to report to the licensing Boards that an action or settlement has been reached on behalf of a patient in a Malpractice action against a doctor. There have been opinions all the way from the Board shouldn't be aware of this to the Board should be aware of this fully, with full disclosure to the Board members of the amount of the judgment, the doctor and for whom that judgment was paid. Even though over the past year these actions have been shown to the Board members at the Board meetings, the Board members did not recall seeing one of these reports.

Dr. Manthei again brought up the matter of chart ownership and availability of charts to patients when a physician works for a corporation. A very long discussion then ensued concerning NRS 629 on the requirement to provide records and copies of a patient's records when they request them. In many cases a doctor working for a group or a corporate entity, really has not access, ownership, and is not really a custodian of the charts. There is a situation developing in Nevada that's really quite difficult to assess and has not been resolved regarding this matter because of the movement of physicians. Medical physicians are working as employees in situation where charts of patients have to remain in places among the physician who may not be there for a long period of time because the institute where the patient is seen continues to exist and the patient continues to utilize the entity. Also, there is a problem with corporations or practices that go out of business and in many cases being owned by out of state companies who administer charts. Which are being stored or moved or relocated in a situation where no one gets access to the medical records. Mr. Ling also brought up an interesting comment when he said that some of these corporations that are hiring physicians may be hiring physicians that are licensed under separate groups, such as MD's and DO's. Mr. Ling said he predicted that the next session of the Legislature would have several bills addressing some of these problems because concern of many people in the area of confidentiality. There are companies, for instance, that are somehow getting information regarding prescription habits of physicians, prescriptions written for individual patients and are utilizing this information in ways that appear to violate confidentiality.

Mr. Ling did comment that the Pharmacy Board was concerned about some of this confidentiality problem as well as our Board and others and suggested that Dr. Manthei could contact other Board Chairmen to discuss some changes in NRS 629 to address this situation in preparation for the next legislative session.

Mr. Ling conveyed that a meeting was scheduled for February 8 to discuss Medical use of Marijuana. This will be in Las Vegas at 1:00 PM although he did not have the location as of the date of the meeting. Three people representing the Association and our Board are invited to this meeting.

**VI Impaired Physician's Assistance Foundation:**

Dr. Manthei, after some discussion, moved that the Board match a \$1,500 donation to the Board from NOMA to the Physician's Assistance Foundation. Mr. Kersey seconded and there were two abstentions, but the Motion did pass.

**VII Voting on Applicants: OPEN SESSION**

**Shari Kramer Klein, D.O.**

Dr. Schreiber made a motion to grant a license. Seconded by Dr. Daitch  
Discussed and passed unanimously.

**Ricahrd Allen Ochs, D.O.**

Mr. Kersey made a motion to grant a license. Seconded by Dr. Schreiber.  
Discussed and Passed unanimously.

**Kevin Kapov, D. O.**

Dr. Daitch made a motion to grant a license. Seconded by Dr.  
Schreiber. Discussed and Passed unanimously.

**Victor B. Klausner, D.O.**

Dr. Schreiber made a motion to grant a license. Seconded by Dr. Daitch  
Discussed and Passed unanimously.

**Stanley Foster, D.O.**

No motion was made on Dr. Foster because the Board members felt he was  
wanting to work in a situation that he wasn't really trained to handle. Board  
would like him to return at a future date.

**Darrin Houston, D.O.**

Dr. Schreiber made a motion to grant a license. Seconded by Dr. Daitch  
Discussed and Passed unanimously.

**Leo Joseph Capobianco, D.O.**

Dr. Daitch made a motion to grant a license. Seconded by Dr. Schreiber.  
Discussed and Passed unanimously.

**John Southwick Fay, PA-C & James Jempsa, D. O.**

Mr. Kersey made a Motion to grant Dr. Jempsa a letter of permission to  
employ Mr. Fay as a PA. After brief discussion, the Motion was passed  
unanimously.

**Timothy Joe Hillbrick, D.O.**

Dr. Schreiber made a motion to grant a license. . Seconded by Dr. Daitch  
Discussed and passed unanimously.

**Jane Baron Davis, PA-C**

No Motion was made on Ms. Davis because the doctor is not a resident of the State of Nevada.

**VIII Matters for Future Agenda:**

Our next meeting will probably include a Hearing process of the business section and will be kept to a minimum.

**IX Public Comment Period:**

No formal comments were entered, however, Dr. Bolton represented himself, did have several interesting and instructive comments and suggestions.

**X Next Meeting - Adjourn:**

The next meeting dates is set for April 18 in Las Vegas. That is a Tuesday and will be held in the evening. Assuming a Hearing will be in process the following date. If Hearing date is not set, then the meeting will be April 19, Wednesday, in Las Vegas. The meeting then was adjourned.

Respectfully Submitted

Larry J. Tarno, D.O.  
Executive Director

**+XI Interview of Applicants:** CLOSED SESSION

**Shari Kramer Klein, D.O.** Board reviewed training of Dr. Klein. She was asked how to identify Basal Cell Carcinoma, she was also asked how to identify and treat

Herpes Zoster. She was also asked the diagnostic criteria for diagnosing Vaginosis. There was no derogatory information reported on this applicant.

**Richard Allen Ochs, D. O.** Dr. Ochs is interested in doing hair transplant surgery. He has completed a one-year fellowship in hair transplant surgery. He is planning to move to the Las Vegas area but continues to practice in California as well as Nevada. He was asked several questions on various procedures. There was no derogatory information.

**Kevin A. Kapov, D. O.** Family Practice Resident  
Dr. Kapov was asked about diagnosis of Herpes Zoster, also about diagnosing Basal Cell Carcinoma. He was asked about a 3-day old infant with jaundice. There is no derogatory information.

**Victor B. Klausner, D.O.** Family Practice and Sports Medicine. He was asked about his training history. He is planning a family practice in Las Vegas. He was asked about treating a teen-age girl with history of, “shin-splints”. There is no derogatory information.

**Stanley Foster, D.O.** He reviewed his training and practice history and was asked about treating Herpes Zoster and diagnosing a Basal Cell Carcinoma. He was asked about a 78 year old male with shortness of breath with fever and tachycardia. He practiced as a M.D. in California since 1962. He was asked about patient with an infected elbow. He was asked about a patient with a cat bite. There was no derogatory information. Answers were weak.

**Darrin Houston, D.O.** Resident E.R. He was asked about woman with aspirin, cogentin, and alcohol overdose. Several questions regarding this patient were asked. There was no derogatory information.

**Leo Joseph Capobianco, D.O.** ER Medicine. He was asked about seizures in a 3-day old infant. He was asked about cat bite to hand. There was no derogatory information.

**John Southwick Fay, PA-C & James Jempsa, D.O.** He wants to be able to practice under license of Dr. Jempsa. His experience is long and varied. There is no derogatory information.

**Timothy Joe Hillbrick** Family Practice residency. He reviewed training. He is considering practice in Elko. He was asked questions about delirium versus dementia. He was asked about types of incontinence. There is no derogatory information.

**Jane Baron Davis, PA-C** She is in Pahrump, NV. She wants to be able to work under license of Dr. Bady-Moghaddam. She was asked about general treatment in rural health treatment.

