

## MINUTES

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

SATURDAY, JULY 14, 2001 9:00 AM

GRANT SAWYER STATE OFFICE BUILDING

555 E. WASHINGTON AVENUE, ROOM 4700

LAS VEGAS, NV 89101

### I CALL TO ORDER

Dr. Manthei, Chairman, called the meeting to order at 9:12 AM. Present: Dr. Manthei, Dr. Bannister, Vice-President; Mr. Kersey, Secretary-Treasurer; Dr. Licata, Member; Dr. Tarno, Executive Director; Trey Delap; Charlotte Bible, Esq., Deputy Attorney General; and Denise Davis, Executive Director NOMA.

### II APPROVAL OF MINUTES

Minutes of the May 5, 2001 meeting were mailed to persons present prior to the meeting. Dr. Bannister moved acceptance. Mr. Kersey seconded. There was no discussion and no corrections. The motion passed.

### III EXECUTIVE DIRECTORS REPORT

- A. Dr. Tarno reported that AB 290 had passed and was signed by the Governor to go into effect October 1, 2001. This changes procedures for investigating complaints and will allow the Board to alter its fee structure. Board office will be moved. Dr. Tarno will be changing locations of the office in the immediate future.
- B. As of the date of the meeting, new appointments for replacing Dr. Bannister and Mr. Kersey had not been made. Traditionally, until a replacement is appointed and sworn in, the current Board member continues in place and continues to function. Dr. Bannister and Mr. Kersey had graciously agreed to come to the meeting to allow the Board to conduct business, knowing that they have not been re-appointed.
- C. Members were alerted to a meeting of the Nevada Controlled Substance Abuse Prevention Task force meeting Friday, July 27, 2001 in Reno, NV. Discussion followed. None of the members would be available to attend.

#### **IV DEPUTY EXECUTIVE DIRECTOR**

Mr. Delap had prepared a job description for a position under the Executive Director paid directly by the Board to help execute various functions of the Board. Basically, this puts a name onto what is currently being done. The last year has seen a dramatic improvement in the Board's functioning due to Mr. Delap's abilities. The job is full-time and requires attention to detail, ability to use the computer, knowledge of and appreciation of the legislative process as well as administrative ability. Mr. Delap can fill the position but will require a higher level of remuneration that the current fees paid by the Board will allow. For this reason this job title was created. Dr. Manthei moved creation of this position, Dr. Licata seconded. Motion passed.

\*Note: The next order of business per agenda was moved to allow for the following hearing.

#### **VII IN THE MATTER OF THE COMPLAINT AGAINST VINCENT FORSHAN, D.O. (LIC# 829)**

This complaint was based on: Count 1: Action against Dr. Forshan's license in California on July 19, 1999 including revocation of his license, stay or revocation, and probation for five years. The stipulation entered into between Forshan and the Osteopathic Medical Board of California constitutes violation of NRS 633.511 (3). Count 2: Answering untruthfully on an application for licensure to the Nevada State Board of Osteopathic Medicine in regards to a question related to investigations of or conviction of unprofessional conduct, a violation of NRS 633.511 (1).

Dr. Forshan had not signed a stipulation agreement and was not present at the meeting. His legal counsel, John Sills, was unable to account for the doctor's whereabouts and reported that they have not had contact with him for over two weeks. The AG's office recommended the hearing is to be continued to the next regularly scheduled Board meeting. Mr. Kersey agreed, Dr. Licata agreed, as well as Dr. Bannister agreed. Dr. Manthei did not vote.

#### **VII CONTINUANCE OF HEARING IN THE MATTER OF THE COMPLAINT AGAINST LEO J. CAPOBIANCO, D.O. (LIC. # 958)**

Charlotte Bible, Esq., of the Attorney General's office reported that the hearing from the May 5, 2001 meeting had been continued in order that the Board would be made aware of the result of a sentencing hearing in the State of New York in an action against Dr. Capobianco in Federal District Court. A decision was entered in New York on June 6, 2001. Dr. Capobianco was sentenced to prison time and had to surrender to incarceration on July 2, 2001. A transcript of the sentence was provided to the Board members. Dr. Bannister chaired the hearing with Dr. Manthei acting as investigating Board member. It was obvious that the Board had clear grounds for initiating disciplinary action on the basis of the conviction of a felony in another jurisdiction.

Dr. Bannister moved that Dr. Capobianco's license be suspended for 6 months starting July 2, 2001 followed by monitorship for six months, completion of a course on Medicare fraud, and fined \$1000.00 (to be waived). Mr. Kersey seconded motion. Motion amended to remove fine but require reimbursement to the Board of costs up to \$5000.00. The amended motion passed. The Chairman did not vote.

#### **X DENISE DAVIS, NOMA**

Denise Davis was on agenda to ask the Board to consider requiring only AOA approved CME for the requirement for re-licensure. No action was taken.

#### **XI NEVADA HEALTH PROFESSIONAL ASSISTANCE FOUNDATION**

Represented by Dr. Victor Reukel and Carol Bowers, RN. They appeared to report their contract basis with Medical Board. They have 60 doctors under contract involving 8 osteopathic physicians. Dr. Reukel reported that doctors that comply with the Foundation in spite of relapse are not reported to the Board. Dr. Reukel discussed how the foundation functions and answered questions.

#### **V EXECUTIVE DIRECTOR REMUNERATION CLOSED SESSION**

#### **VI FEDERATION CREDENTIAL VERIFICATION SERVICE**

The Board was presented with information regarding the Federation of State Medical Board's Federation Credential Verification Service reports for initial licensure. Dr. Bannister moved that these reports be accepted but not required. Mr. Kersey seconded, motion passed.

#### **XII FEE INCREASE AB 290**

Dr. Manthei moved that the Board raise fees effective October 1, 2001 to the limits specified as maximum levels allowed by the law (NRS 633 as amended by AB 290). Motion passed.

#### **IX LEGAL REPORT** - NONE

#### **XII PROPOSED REGULATION REVISIONS**

This was informative of need to form a committee or subcommittee to look at the law and regulations, which is mandated by law for purposes of updating, deleting, rewriting or repealing regulations. Dr. Licata was appointed as chair of this committee.

#### **XIV INTERVIEW OF APPLICANTS CLOSED SESSION**

#### **XV VOTING ON APPLICANTS**

Mary Bui, D.O. Internal Medicine

Dr. Manthei made the motion to grant licensure, seconded by Mr. Kersey, passed unanimously. She shall have license #1032.

Lydia O'Connor-Sanders, D.O. with J. Clark Somers, PA-C

Dr. Bannister made the motion to grant certificate, seconded by Dr. Manthei, passed unanimously. He shall have certificate # 95.

Brent Hanson, D.O. Orthopaedic Surgery

Dr. Manthei made the motion to grant licensure, seconded by Mr. Kersey, passed unanimously. He shall have license #1032.

Jaldeep Daulat, D.O. with Michael Roos, PA-C

Mr. Kersey made the motion to grant certificate, seconded by Dr. Manthei, passed unanimously. He shall have certificate #94.

Nancy Baker, D.O. Family Practice (Resident)

No motion was made, application incomplete.

Lisa Dintiman, D.O. Family Practice

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. She shall have license #1034.

Sangeeta Wagner, D.O. Family Practice (Resident)

Mr. Kersey made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. She shall have license #1038.

Robert Mason, D.O. Anesthesiology

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. He shall have license #1037.

Belinda Murphy, D.O. Family Practice

Mr. Kersey made the motion to grant licensure, seconded by Dr. Bannister, passed unanimously. She shall have license #1036.

Richard Weaver, D.O. Anesthesiology

Dr. Manthei made the motion to grant licensure, seconded by Dr. Licata, passed unanimously. He shall have license #1035.

Lonnie Empey, D.O. with Jeffrey A. Wright, PA-C

No Motion

David Wikler, D.O. with Kerry Malin, PA-C

No Motion