



**PUBLIC NOTICE  
MINUTES  
REGULATION WORKSHOP AND ADOPTION HEARING**

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

**9:00AM, SATURDAY, JANUARY 7<sup>TH</sup>, 2006**

**GRANT SAWYER STATE OFFICE BUILDING  
GAMING CONTROL BOARD HEARING ROOM  
555 EAST WASHINGTON AVENUE  
ROOM 2450  
LAS VEGAS, NV 89109**

Items may be taken out of order to aid effectiveness of the meeting. A public comment is welcome during Open Session; however, public comment may be limited to a reasonable time if the comments become repetitious. (+) Denotes Closed or Executive Session. The Board may take action on any agenda items delineated for action. No action may take place on non-agenda items including public proposals. All information or documents supplementing agenda items that are not otherwise confidential will be available at the board meeting.

**REGULATION WORKSHOP:**

**I. Call Workshop to order.** Rudy R. Manthei, DO, Chairman.

Dr. Manthei called the roll to determine the presence of a quorum. Present included Rudy Manthei, DO, Daniel Curtis, DO, Dean Milne, DO, Gary Mono, DO, Lisa Miller-Roche, Esq., Rota Rosaschi.

Staff: Larry Tarno, DO, Trey Delap, Coni Longero, Julia Tarno, Dianna Hegeduis, Esq., and Richard Dreitzer, Esq.

**II. Public Workshop to consider proposed amendments to Nevada Administrative Code (NAC) chapter 633. Any member of the public wishing to discuss the proposed regulations may, during this workshop, offer discussion and or recommendations for amendment to the draft proposed regulations (Legislative Counsel Bureau LCB #R208-05).**

## January 7<sup>th</sup>, 2006 Board Meeting Agenda and Regulation Workshop

- A. Regulations concerning the use of hearing officers for contested hearings before the Board.
- B. Regulations pertaining to Office based surgery.

Dr. James Anthony, DO questions whether the board may set qualification requirements for hearing officers, specifically, that they have some level of medical training. It is noted that the hearing officers' job is to gather information and present a recommendation to the board and that they do not make the final decision on medical compliance. It is later noted that The Nevada State Board of Medical Examiners often uses lay people as hearing officers and that there have been few complaints about the system. All board members are required to read the record and recommendation of the hearing officer before they vote on any matter. There was discussion on stipulation of facts and how this can save a great amount of time because the board can use previously stated facts rather than calling in every witness to testify. Dr. Manthei moved for approval of hearing officer regulations, Dr. Milne second, all in favor.

Discussion regarding Senate Bill 555 reporting office based procedures using any conscious, deep or general sedation. There was discussion on the definition of "conscious sedation" and "sentinel event". Hegeduis stated that the Legislative Counsel Bureau recommended that the form not be included in the regulation, leaving discretion of the board to create, amend or disseminate the form. Dr. Manthei moved for acceptance of definition of a sentinel event, Dr. Milne second, all in favor. Miller-Roche moved to approve sections 10-15, Dr. Milne second, all in favor.

### **III. Adjourn Public Regulation Workshop**

#### **REGULAR BOARD MEETING:**

##### **I. CALL TO ORDER (Discussion/Action)**

Rudy R. Manthei, DO, Chairman

- A. Roll call to determine presence of a quorum.

Dr. Manthei called the roll to determine the presence of a quorum. Present included Rudy Manthei, DO, Daniel Curtis, DO, Dean Milne, DO, Gary Mono, DO, Lisa Miller-Roche, Esq., Rota Rosaschi.  
Staff: Larry Tarno, DO, Trey Delap, Coni Longero, Julia Tarno, Dianna Hegeduis, Esq., and Richard Dreitzer, Esq.

##### **II. PUBLIC HEARING TO ADOPT PROPOSED REVISED, AMENDED, OR NEW REGULATIONS TO THE NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 633 (LCB FILE# R208-05). (Discussion/Action)**

- A. Regulations concerning the use of hearing officers in contested cases adjudicated by the board.
- B. Regulations pertaining to Office based surgery.

Miller-Roche moved to adopt draft regulations from the regulation workshop, Dr. Curtis second, all in favor.

### **III. EXECUTIVE DIRECTORS REPORT (Discussion/Action)**

Larry J. Tarno, DO, Executive Director and Trey Delap, Deputy Executive Director

- A. Renewal Report.
- B. Financial Report
- C. Staff Changes Report
- D. Complaint/Investigation Status Report
- E. Report from Dr. Manthei Regarding Dep. Exec. Director correspondence concerning Stephen Lampinen, MD.

Trey Delap gave renewal report. Dr. Tarno gave the financial report and staff changes were discussed. Dr. Manthei discussed the correspondence regarding Dr. Lampinen.

### **IV. LEGAL REPORT (Discussion/Action)**

Dianna Hegeduis, Esq., Chief Deputy Attorney General  
Richard Dreitzer, Esq., Deputy Attorney General

- A. Status Report on Pending Litigation
  - a. Status report on Judicial Review petition of case In Re: Edward Hoffman, DO.
  - b. Status report on Judicial Review petition of the case In Re: J. Daniel Carpenter, DO.
- B. Report on billed legal services already incurred to defend certain lawsuits filed by licensees (Trey Delap, Deputy Executive Director may be making/contributing to this report.)

Ms. Hegeduis and Mr. Gentile discussed the current judicial review of the case in Re: Edward Hoffman. There was discussion on immunity for “agents” of the board as well as a suggestion to incorporate recommendations of the foundation into “board orders”.

### **V. APPEARANCE AND CONSIDERATION OF EDWARD HOFFMAN, DO'S REQUEST TO LIFT THE SUSPENSION OF HIS LICENSE AND BEGIN THE PREVIOUSLY ORDERED PROBATIONARY PERIOD PURSUANT TO THE BOARD'S ORDER IN CASE# AD-04-68-229 AS WELL AS DELIBERATIONS & DECISION ON THE REMAINING TERMS/CONDITIONS SPECIFIED IN THAT ORDER. (Discussion/Action)**

Edward Hoffman, DO, with legal counsel Kathleen Janssen, Esq., Peter Mansky, MD, Executive and Medical Director, Nevada Health Professionals Assistance Foundation.

- A. Presentation and Report on Hoffman's Compliance with Board Order in Case AD-04-68-229.
- B. Presentation and Consideration of proposed monitoring agreement between Edward Hoffman, DO and the Nevada Health Professionals

Assistance Foundation.

- C. Deliberations and decision on the remaining terms and conditions specified in the order in case# AD-04-68-229.

Hegeduis read the order; Janssen reported that the requirements for the order had been met. Dr. Hoffman worked with Dr. Mansky on the additional requirements and monitoring agreement set forth by the foundation in order for Dr. Hoffman to return to practice. There was discussion between the Board Members and Dr. Mansky regarding his recommendation to return Dr. Hoffman to practice. Dr. Curtis moved to accept the recommendations of Dr. Mansky, Dr. Milne second, so moved. There was also an ammended motion to stipulate a payment plan, Curtis-aye, Milne-aye, Manthei-aye, Rosaschi-aye, Miller-Roche-aye.

**VI. PRESENTATION OF THE NEVADA INSTITUTIONAL REVIEW BOARD (NIRB) QUARTERLY REPORT PURSUANT TO THE PROVISIONS OF ASSEMBLY BILL 208 § 8(4) ((a) (AMENDING NRS 630A) PASSED BY THE 73<sup>RD</sup> REGULAR SESSION OF THE NEVADA LEGISLATURE AND ENACTED BY THE GOVERNOR. (Discussion/Action).**

Daniel F. Royal, DO, HMD, JD, Chairman, NIRB Legal Affairs

Dr. Royal presented his quarterly report, pursuant to statute, orally. He also reported the mission statement of NIRB. Dr. Manthei accepted the report.

**VII. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS (Discussion/Action)**

Larry J. Tarno, D.O., Executive Director or Trey Delap, Deputy 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:

Kathleen A. Weber, DO      Pediatrics

Dr. Milne moved, Miller-Roche second, all in favor.

**VIII. PUBLIC COMMENT**

No appearances.

**IX. NEXT MEETING DATE AND ADJOURN (Discussion/Action)**

Including consideration of scheduling of various public workshops to consider proposed regulations.

April 1, 2006

Notices posted at the following locations:

January 7<sup>th</sup>, 2006 Board Meeting Agenda and Regulation Workshop

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

Office of the Nevada State Board of Osteopathic Medicine

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

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

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

Washoe County Library, 301 South Center Street: Reno, NV 89501

Boulder City Library, 701 Adams Blvd., Boulder City, NV 89005

Elko County Library, 720 Court St., Elko, NV 89801

Members of the public who are disabled and require special accommodation or assistance at the meeting are requested to notify the Board office in writing at 2860 E. Flamingo Rd., Suite D, Las Vegas, NV 89121 or by calling (702) 732-2147.