

NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

REGULAR BOARD MEETING MINUTES

March 3, 2009 @ 6:00 PM

I. CALL TO ORDER (Discussion/Action) Daniel Curtis, D.O., Chairman

Roll call to determine presence of a quorum

- 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:

Daniel Curtis, D.O.
Dean Milne, D.O.
Scott Manthei, D.O.
James Anthony, D.O.
Paul Kalekas, D.O.
Rota Rosaschi, M.P.A., Public Member

Board Staff:

Barbara Longo, Deputy Executive Director
Tammy Sine, Bookkeeper & Licensing Specialist
Dianna Hegeduis, Esq., Board Consul

Public:

Weldon "Don" Havins, M.D., J.D.

II. APPROVAL OF MINUTES FROM FEBRUARY 3, 2009 (Discussion/Action)

Daniel Curtis, D.O., Chairman

A motion was made by Dr. Milne, seconded by Dr. Manthei, and approved.

III. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS (Discussion/Action) Daniel Curtis, D.O., Chairman

Under this item the board may consider the recommendations of the Executive Director and/or President 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:

Randy Flores, DO
Robin Mauldin, DO
Ronald Morando, DO
Francesco Polizzi, DO
Adam Slamowitz, PA-C
Daniel Hickey, PA-C

Anesthesiology
Emergency Medicine
Family Practice
Radiology
General Surgery
Family Practice

A motion was made to approve the licenses by Dr. Milne, seconded by Dr. Kalekas, and approved.

IV. CONSIDERATION OF FULFILLMENT OF SETTLEMENT AGREEMENT FOR DANIEL CARPENTER, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman

This is the settlement that the IBM had agreed to and Dr. Carpenter has fulfilled the agreement amount of \$5,750.00. The website will reflect that he has met the settlement agreement. Dr. Manthei excused himself from the voting. A motion was made by Dr. Milne, seconded by Dr. Curtis, and approved.

V. CONSIDERATION OF CHANGING EFFECTIVE DATE OF APPLICATION AND INITIAL LICENSE FEE FOR OSTEOPATHIC PHYSICIANS TO \$800 BEGINNING THIS FISCAL YEAR, JULY 1, 2009. (Discussion/Action) Daniel Curtis, D.O., Chairman

Dr. Curtis asked for this to be on the agenda to start this change at the fiscal year instead of starting in 2010. It was discussed and decided to keep the new licenses fee change of \$800.00 effective January 1, 2010 and the 2010 license renewal of \$500.00 will be effective starting in September, 2009 when the renewal reminders are mailed.

VI. DISCUSSION OF RYAN HAIGHT CONSUMER ONLINE PHARMACY PROTECTION ACT OF 2008 INCLUDING DISCUSSION OF SCHEDULING A WORKSHOP AND DRAFTING POTENTIAL LANGUAGE FOR A REGULATION (Discussion/Action) Daniel Curtis, D.O., Chairman

Dr. Curtis wanted to discuss this, but would like to table it until he has further time to review it. The Board should have a protocol for standard of care and create a BDR regarding physicians leaving their scope of practice and practicing telemedicine especially when it concerns prescription medications. Public attendee Dr. Havins suggested that we contact the Pharmacy Board. Dianna stated that we needed to do regulations after we have a statute enacted. Dr. Curtis would like to table this for the next meeting after all members can review this item. Dr. Manthei stated that this was regarding controlled substances without a physical examination of the patient. Public attendee Dr. Havins discussed that we do not have regulations governing telemedicine, but the MD Board does have it.

VII. DISCUSSION OF FEE SCHEDULE FOR CONSULTANTS USED FOR IBM CASES (Discussion/Action) Daniel Curtis, D.O., Chairman

Dr. Curtis stated that we do not have a standard fee for witness fees. We need to have a set fee. Do we pay specialists more than primary physicians? Dr. Milne stated that there are differences in the different specialties and we will have to pay for those

specialties. There may be set fees by Medicare for each specialty. The question is do we tell them what we pay or pay what they want. We hope that we will get this paid for in the settlement fee. Dr. Manthei stated that it also is based on their experience not only their specialty. It should not only be an hourly rate, but a maximum rate. Dr. Milne suggested a pay scale. Dr. Kalekas suggested that we have a flat rate. Dr. Anthony stated that Dr. Milne was correct in having a range of fees. Dianna stated that she would use the expert witnesses as well as the IBM in hearing cases. Dr. Milne thought it might depend on the case as well. Some physicians may do it for lesser amounts. This item had discussion but no action.

VIII. DISCUSSION OF BOARD APPOINTMENTS EXPIRING IN 2009
(Discussion/Action) Daniel Curtis, D.O., Chairman

Dianna stated that we can send a letter to the Governor with a suggestion of who we would like to replace Dr. Milne and Lisa Miller-Roche unless they wish to be reappointed. The two members need to personally contact the Governor if they wish reappointment and Barbara along with Dr. Curtis can get referral letters out. Dr. Milne stated that he would be willing to do another term. Lisa Miller-Roche was not present for a comment.

IX. EXECUTIVE DIRECTOR'S REPORT/ Staff Report (Discussion/Action)

- a. Quickbooks Balance Sheet and P & L
Barbara explained the reports to the Board members.
- b. Licensing and Enforcement Information
There are 33 D.O.'s and 8 PA's pending licenses. We have had 94 total applications this fiscal year with 1 denial, 41 in process, and 52 licensed. We have revoked two D.O. licenses due to non-payment. We are missing CME proof from 8 D.O.'s and final requests have been sent.

There were 7 new complaints and 7 dismissed complaints with 1 inactive and 1 formal complaint settled by the AG's office. There are 1 new complaints awaiting review/assignment to IBM. 24 complaints have been assigned or are currently under the review of an IBM. 15 complaints are with the AG's office. Of those, 11 were submitted for review and possible formal action and 4 have formal complaints.

- c. Contract updates
As of January 2009 all of our contracts have been approved.
- d. LCB 2yr report has been delivered to the Governor and LCB.
- e. FSMB Annual Mtg- & attend BOM mtg –Dr. Kalekas voting Board Member and Barbara Longo senior staff person will attend FSMB annual mtg
- f. Records retention-charge for records.
Barbara went to a records retention conference. It stated that we need to keep the expired licenses for only 3 years. Complaints we keep for five years. We are starting to charge \$0.60 a page for copies.

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

- a. Confidentiality of complaints

When a complaint is filed with the Board, all other documents are confidential unless the physician requests a copy of those records. Are we required to show the physician

the actual complaint? A discussion of how would the physician respond to our letter if they cannot see who the patient is. The Board felt that the confidentiality would be between the physician, the patient and the Board. This was added to protect the physician and the patient. What we were doing is summarizing the complaints and asking for medical records, but don't give them a copy the actual complaint. We may give it to them, but have to explain that then it would be a public record. It was decided that the physician must know who the patient is on the complaint in order to respond. To change the NRS, it needs to be done at the legislative level. It was the advice of the board counsel, however, not to provide the complaint as the statute appears to make it confidential even to the physician. If the physician requests a copy of the complaint in writing, then such a complaint becomes public record and he is entitled to a copy.

b. Formal complaints on website –disciplinary section

We are now doing settlements on the website. Dianna asked if the Board wants to have the formal complaints that are filed by the AG office on the website. Dr. Kalekas suggested that we could title it pending formal complaints. Dr. Curtis asked that this be an agenda item on 04/07/09.

XI. *PRESIDENT/CHAIRMAN Report on Board Business, Daniel Curtis, D.O.*

Dr. Curtis did not have any business to report. He intends to call an emergency meeting next week. This needs to be filed tomorrow and posted.

XII. *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.

Dr. Havins stated that there was a meeting of the nursing board and the health department. He would suggest that we make our presence known at committee meetings.

The meeting was adjourned at 07:40 pm.

Approved at the April, 7, 2009 Board meeting.