



**PLEASE POST BEFORE  
9:00 AM – July 24, 2009**

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

**AUGUST 4, 2009 @ 6:00 PM**

**\*\*\* MINUTES \*\*\***

- I. CALL TO ORDER (Discussion/Action) Daniel Curtis, D.O., Chairman**  
Roll call to determine presence of a quorum.

Board Members:

Daniel Curtis, D.O., Chairman  
James Anthony, D.O.  
Scott Manthei, D.O.  
Paul Kalekas, D.O.  
Rota Rosaschi, M. P.A  
Lisa Miller-Roche, Esq.

Board Staff:

Dianna Hegeduis, Esq., Executive Director/Board Counsel  
Barbara Longo, Deputy Executive Director  
Tammy Sine, Licensing Specialist

Public:

Don Havins, M.D., J.D.  
Maria Nutile, Esq.  
Denise Selleck-Davis, NOMA  
Thomas Shelton, DO  
Derrick Williamson, DO.  
Brian Gresh  
Scott MacLeod, DO

- II. +APPROVAL OF MINUTES FROM JUNE 17, 2009 (Discussion/Action) Daniel Curtis, D.O., Chairman**

A motion was made by Dr. Curtis, 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:

<b>Physician Name</b>	<b>Specialty</b>
Jeremy Baird, DO	Emergency Medicine
Raymond Depa, DO	Anesthesiology
Aaron Florence, DO	Orthopedic Surgery
Chidozie Ononuju, DO	Urgent Care Medicine
Fareed Sheikh, DO	Internal Medicine/Cardiology
Maria Arganoza-Preiss, DO	Family Practice

**Special License:**

Jessica Zarndt, DO	Family Medicine – UNSOM
Cory Meeder, DO	Emergency Med-Kingman/Sunrise

A motion granting licensure was made by Dr. Manthei, seconded by Dr. Kalekas, and approved by the Board.

**IV. +CONSIDERATION OF APPLICATION FOR LICENSURE & APPEARANCE BY THOMAS SHELTON, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Curtis asked Dr. Shelton if he wanted to go into a close session or remain in open session. Dr. Shelton declined going into a closed session. Dr. Curtis asked Dr. Shelton to discuss the two malpractice cases. Dr. Shelton explained the malpractice cases. Dr. Curtis asked if Dr. Shelton planned to practice obstetrics. Dr. Shelton will be practicing family practice in Las Vegas and actually looking to do locum tenens work. There are no sanctions on his license in Washington State. A motion was made by Dr. Anthony to grant licensure, seconded by Dr. Kalekas, and approved by the Board.

**V. +CONSIDERATION OF APPLICATION FOR LICENSURE & APPEARANCE BY DERRICK WILLIAMSON, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Curtis asked Dr. Williamson if he would like to go into closed session. Dr. Williamson declined to go into closed session. Dr. Curtis asked Dr. Williamson to explain the malpractice cases. He explained all of the malpractice claims. A motion was made by Dr. Anthony to grant licensure, seconded by Dr. Manthei, and approved by the Board.

**VI. CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING HARVEY HOFFMAN, D.O., (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna discussed the fulfillment of the settlement agreement. A motion was made by Dr. Kalekas to enter an order noting the fulfillment of terms, seconded by Dr. Manthei, and approved by the Board.

**VII. CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING LAMONT TYLER, D.O., (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna explained the settlement agreement. He had to pay a fine and has since not renewed his license. A motion was made by Dr. Kalekas to enter an order noting the fulfillment of terms, seconded by Dr. Manthei, and approved by the Board.

**VIII. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING NANCY BAKER, D.O. (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case and the licensee has entered into a payment plan to pay a total amount of \$2000.00 with payments of \$500.00 per month. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

**IX. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING PEJMAN BADI-MOGHADDAM, D.O., (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case and there was a renewal application issue. He has agreed to pay a total amount of \$1500.00. A motion was made by Ms. Miller-Roche to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

**X. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING VIREN PATEL, D.O., (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case and there was a renewal application issue. He has agreed to pay a total amount of \$6000.00. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

**XI. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING DAVE BARCLAY, D.O., (Discussion/Action)** Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$2000.00. He is making payments starting on 08/15/09 of \$500.00 per

month. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

**XII. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING DANA FORTE, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna explained that this was a failure to report case. She has agreed to pay a total amount of \$1000.00. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Kalekas, and approved by the Board.

**XIII. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING RACHNA GUPTA, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna explained that this was a failure to report case. She has agreed to pay a total amount of \$1000.00. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Kalekas, and approved by the Board.

**XIV. CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING NADER ROUHANI, D.O., (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$500.00. A motion was made by Dr. Curtis to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

**XV. FINAL REPORT ON LEGISLATIVE SESSION, BRYAN GRESH**

Dr. Curtis introduced Mr. Gresh to the Board members. His written report/legislative summary was sent to the Board. He is happy to report that SB 269 passed. SB 269 was signed on June 9, 2009. In addition to SB 269, he indicated that the Board had a voice in this legislative session for the first time. He discussed the legislative session process and stressed that our Board needs to continue having a presence in Carson City and with the legislators, at the legislative sessions and in-between the sessions. He indicated that the Board can begin creating new proposals for statutory revisions to be presented at the next session but that we can begin the process by starting to work with legislators on proposed new revisions. Dianna asked if he would be giving us a contract proposal for continuing to work with our Board on a year round basis, rather than just during the legislative session. He will present such a proposal to the Board for the upcoming Board meeting on October 7, 2009.

**XVI. APPROVAL OF THE REMOVAL OF DEAN MILNE, D.O. AND ADDITION OF DIANNA HEGEDUIS, ESQ., AS SIGNER FOR THE BANK OF THE WEST, BANCWEST AND WELLS FARGO BANK ACCOUNTS (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dr. Curtis asked that Dianna replace Dr. Milne as the signer on our bank accounts. There can only be two signers. A motion was made by Dr. Kalekas to approve the name change, seconded by Dr. Manthei, and approved by the Board.

**XVII. APPROVAL TO CONVERT BANK OF THE WEST AND WELLS FARGO MONEY MARKETS TO CDs. (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna explained that the interest rate on our Wells Fargo account has been decreasing and could go to a negative percentage. She suggested moving the money to a CD. A motion was made by Dr. Kalekas to transfer the money to a CD where the board would be able to obtain the best interest rate and the best protection of the board's finances, seconded by Dr. Manthei, and approved by the Board.

**XVIII. +DISCUSSION OF MANDATORY FURLOUGH SB433 (Discussion/Action) Daniel Curtis, D.O., Chairman**

- a. Required one day off per month, effective August
- b. Impact/adjustment of wages for staff. NRS 633.271(3)

Dianna stated that the LCB has made a decision that the furlough days do not affect our Board. This will be tabled until we hear otherwise from the AG's office, i.e., if the Attorney General's office decides to issue a formal/public Attorney General Opinion.

**XIX. DISCUSSION OF PERS INCREASE (Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna explained that this would be an increase of \$100.00 per month for all employees, and that the Board could either agree to pay the increase or have the increase assessed against the individual employees' salaries/wages. A motion was made by Dr. Manthei for the Board to cover this expense, seconded by Dr. Kalekas, and approved by the Board.

**XX. +EXECUTIVE DIRECTOR'S REPORT/ Staff Report (Discussion/Action)**

- a. QuickBooks Balance Sheet and P &L. Written documentation was provided to the Board members but there were no questions/concerns regarding the same.
- b. Audit  
We will have our audit starting approximately 08/17/09. Catryna Kelly's court appearance was postponed until next week, i.e., 8-13-09.
- c. Licensing and Enforcement Information  
22 Applications received and 25 requests for applications.  
38 Active complaints consisting of 14 new complaints, 9 assigned to an IBM, 9 non-reporting waiting approval, and 6 at the AG's office. 8 cases have been dismissed and 1 settled.
- d. Diversion Program-alternative  
We are looking into various diversion programs in addition to that offered by Dr. Mansky's group to determine which are more cost efficient to both the Board and the physician, as well as more convenient and accessible to both the Board and the physician.
- e. ING- deferred comp  
We are initiating an additional retirement fund program paid solely by the employees, at no cost whatsoever to the Board, and that program will be with ING and is similar to a 401K plan.
- f. Replace server  
The server was replaced and the cost was approximately \$700.
- g. Investigations

On some of these investigations Dianna has asked her husband to accompany her. He is a volunteer for Las Vegas Metro Police Department. She asked for approval by the board of his investigative assistance, at no cost to the board other than mileage which would already be payable to an employee as reimbursement. Dr. Anthony stated that he had no problem with it as long we were not doing anything illegal and what the consequences of perhaps an auto accident would cause us. It was suggested that we get a courier type auto plan, which will be looked into by Barbara Longo.

**XXI. +LEGAL REPORT (Discussion/Action) Colleen Hemingway, DAG, Board Prosecutor**

There was no legal report as Colleen was not present.

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

Barbara and Dianna are looking for a new office near Touro University, which is .97 per square foot and that includes CAM.

**XXIII. 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.

Scott MacLeod, DO discussed how vials of Botox are in large amounts, but only uses a portion of it per person and they state single use on the actual vials themselves. He received a letter from someone who did not say who it was telling him that he could not use the vial on multiple patients. This letter was sent to all physicians who use Botox. Maria Nutile, Esq. commented that she has had some of her clients calling regarding this letter. The rumor is that it may have been circulated by another physician who is following the rules or perhaps even a drug company representative. Dr. MacLeod indicated that he did research and does not believe that it is a formal law yet because it has not gone through the proper channels to pass as a law. Dr. Curtis explained that we cannot create laws or give legal voice to Dr. MacLeod; and Dr. MacLeod stated that he will seek legal advice from his attorney when he returns from vacation.

Dianna introduced Denise Selleck-Davis, Executive Director of NOMA, stating that we had received a letter from her. Denise introduced herself and explained that she represents NOMA not the Board. She represents the physicians not the Board. She indicated that she had read the 06/02/09 minutes and believes the minutes contain inaccurate information, i.e., that she may have presented herself as representing our Board at the recent legislative session. She states that this is not true and is a misleading statement. She requested it be changed and have a public apology. Dianna explained that the misconception that Denise is part of the Board or represents our Board needs to be clarified at the legislative level, that even Ms. Davis' letter indicated that the legislature has "blurred the line between the Association and the Board" and that one Legislator recently mentioned that the profession is well represented by Ms. Davis. Additionally, this is the first year that the Board has had a lobbyist and the Legislature is not accustomed to this board being represented by Lobbyist Gresh. Dr. Anthony and Dr. Curtis

suggested that we correct what was really meant in the June minutes, but that since the minutes are public records, they cannot now be changed except by this explanation. The June minutes should have reflected its impression that she was conceived by the legislature as representing our Board, but in fact represents NOMA and the physicians rather than her personally holding herself out as such. The Board also acknowledged that it is mandated to protect the public as well as license physicians. The Board regrets any misunderstanding that may have resulted from the minutes and, hopefully in the future, the Board's lobbyist will work with legislators regarding representation of the Board.

**Approved at the 10/05/09 Board Meeting.**