



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

REGULAR BOARD MEETING

OCTOBER 5, 2009 @ 6:00 PM

***** MINUTES *****

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

A roll call was made by Dr. Curtis with the following present at the meeting and a quorum was declared.

Board Members:

Daniel Curtis, D.O., Chairman
C. Dean Milne, D.O.
James Anthony, D.O., J.D.
Scott Manthei, D.O.
Paul Kalekas, D.O.
Rota Rosaschi, M.P.A.
S. Paul Edwards, Esq.

Board Staff:

Dianna Hegeduis, Esq., Executive Director/Board Counsel
Barbara Longo, Deputy Executive Director
Tammy Sine, Licensing Specialist/Bookkeeper
Colleen Hemingway, Esq., AG Prosecutor

Public:

Don Havins, M.D., J.D.
Maria Nutile, Esq.
Ryan Mitchell, D.O.
Bryan Gresh
David Brockyman
C. Hadman
Tanya Dam

II. +APPROVAL OF MINUTES FROM AUGUST 4, 2009 (Discussion/Action) Daniel Curtis, D.O., Chairman

A motion was made by Dr. Milne to approve the minutes, seconded by Dr. Manthei. Motion granted/approved by all members.

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:

Physician Name	Specialty
Helga Daftarian, DO	Occupational Medicine
Maureen Duffy, DO	Anatomic/Clinical Pathology
Suzette Harding, PA-C	Supervising- Ronald Scheer, DO
Philip Miceli, DO	Internal Medicine
Eric Robinson, DO	Emergency Medicine
Ronald Weissenberg, DO	General Surgery
Donald Tice, DO	Family Practice
Special License:	
Mark Brecheisen, DO	Emergency Medicine-Kingman
Bryan McConnell, DO	Family Practice-Kingman/Sunrise
Julie Sofer, DO	General Surgery- UMC
Temporary License:	
Brian Le, DO	Pain Management
Going from Inactive to Active:	
Albert Khavkin, DO	Anesthesiology

A motion was made by Dr. Kalekas to grant licensure to all of the individuals above, seconded by Dr. Anthony. The motion was granted/approved by all.

IV. +CONSIDERATION OF APPLICATION FOR LICENSURE (INACTIVE TO ACTIVE) & APPEARANCE BY RYAN MITCHELL, D.O., (Discussion/Action/ Board may go into closed session) Dean Milne, D.O., Vice Chairman

Dr. Curtis recused himself from this agenda item. Dr. Manthei recused himself from this agenda item. Dr. Milne explained that Ryan Mitchell, D.O., was applying to go from an inactive to an active status for the remainder of the calendar year 2009. He asked if he would like to go in to a closed session or remain in open status. Dr. Mitchell with his attorney, Maria Nutile, Esq., chose

to go into a closed session. Thereafter, a closed session was conducted pursuant to NRS chapter 241.

Dr. Milne made a motion to come back from a closed session into an open session and seconded by Dr. Kalekas. Motion granted.

This meeting is now open for the change in licensure of inactive status to active status for Dr. Ryan Mitchell. Dr. Milne stated that he believed that the answers by Dr. Mitchell, in his personal testimony as well as in the application and the supplement to the application, indicate a number of different issues, and asked for a motion regarding the application for a change in licensure from inactive to active. Dr. Kalekas made a motion to not grant the change in license to active status, which was seconded by Ms. Rosaschi; thereafter, deliberations and discussions occurred. Ms. Nutile asked for guidelines required by the Board so that Dr. Mitchell can have an active license should he seek a license for calendar year 2010. Dr. Kalekas stated that there has not been enough time between going inactive and his request to return active license. Dr. Milne agreed with Dr. Kalekas. Ms. Nutile asked what additional steps Dr. Mitchell needed to take to obtain an active license. Dr. Anthony stated that he feels differently than Dr. Kalekas or Dr. Milne and would suggest giving him a limited license because there were no patient safety issues involved. He felt that if there had been patient safety issues, he did not see it. DAG Hemingway asked if the Board could put some limitations on his license. Ms. Nutile suggested a remediation agreement. Dr. Milne asked for a vote on the motion to deny the application to change inactive status to active. There were 4 in favor of not granting an active license from inactive, and 1 to grant the return to an active license. The motion to deny the change in licensing was granted/approved by a quorum.

Dr. Kalekas stated that there cannot be any other issues for the next 3 months and should he wish to do so, he can reapply for 2010. Dr. Milne stated that we could review this again in November or December whenever Dr. Mitchell came before the board again. Both Ms. Rosaschi and Dr. Anthony asked for additional documentation for the Board.

The motion was approved to deny the license change from inactive to active at this time.

V. +CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING SCOTT YOUNG, D.O., IBM ANTHONY (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

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

NOTE: Items VI through XXIII pertain to cases involving NRS 633.527 and/or NRS 633.131(1).

Prior to the discussion of the individual settlement agreements, Dianna indicated that the dollar amounts for the settlements would vary depending on the individual facts of the case, the number of events of non-reporting, and whether inaccurate information was contained within renewal applications.

VI. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING LARRY MENESTRINA, D.O., IBM CURTIS (Discussion/Board may go into closed session) Dean Milne, D.O., Vice 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 \$3000.00 with payments of \$200.00 per month. A motion was made by Dr. Manthei to approve the agreement, seconded by Dr. Kalekas, and approved by the Board.

VII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING BABAK GHADISHAH, D.O., IBM CURTIS (Discussion/Board may go into closed session) Dean Milne, D.O., Vice Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$500.00, which is paid in full. A motion was made by Dr. Manthei to approve the agreement, seconded by Dr. Kalekas, and approved by the Board. The order of fulfillment was also approved by all members.

VIII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING CHARLES LINDSAY, D.O., IBM CURTIS (Discussion/Board may go into closed session) Dean Milne, D.O., Vice 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 \$2000.00, which is paid in full. A motion was made by Dr. Manthei to approve the agreement, seconded by Dr. Kalekas, and approved by the Board. The order of fulfillment was also approved by all members.

IX. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING RANDA BASCHARON, D.O., IBM ANTHONY (Discussion/Board may go into closed session) 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 \$1,700.00 with payments of \$500.00 per month, which is paid in full. A motion was made by Dr. Manthei to approve the agreement, seconded by Dr. Milne, and approved by the Board.

X. +CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING VIREN PATEL, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dianna explained that this is an order of fulfillment of an earlier settlement agreement. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

- XI. +CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING DANA FORTE, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman**

Dianna explained that this is an order of fulfillment of an earlier settlement agreement. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

- XII. +CONSIDERATION OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING NADER ROUHANI, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman**

Dianna explained that this is an order of fulfillment of an earlier settlement agreement. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

- XIII. +CONSIDERATION/APPROVAL OF FULFILLED SETTLEMENT AGREEMENT & ORDER REGARDING RACHNA GUPTA, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman**

Dianna explained that this is an order of fulfillment of an earlier settlement agreement. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

- XIV. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING RINAH SHOPNICK, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman**

Dianna explained that this was a failure to report case. The physician has agreed to pay a total amount of \$500.00. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

- XV. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING EUGENE DREYER, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) 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. Kalekas to approve the agreement,

seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

XVI. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING THOMAS ROBEN, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) 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 \$3000.00, which is paid in full. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

XVII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING GAUTAM DAULAT, D.O., IBM MILLER-ROCHE (Discussion/Board may go into closed session) 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 \$3000.00, which is paid in full. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

XVIII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING KEVIN SLAUGHTER, D.O., IBM ROSACHI (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$1200.00, which is paid in full. A motion was made by Dr. Milne to approve the agreement, seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

XIX. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING ANTHONY POLLARD, D.O., IBM ROSACHI (Discussion/Board may go into closed session) 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 \$2500.00, which is paid in full. A motion was made by Dr. Kalekas to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

XX. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT REGARDING LAURENCE HICKS, D.O., IBM MILNE (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$2500.00, which is paid in full. A motion was made by Dr. Kalekas to approve the agreement, seconded by Ms. Rosaschi, and approved by the Board. The order of fulfillment was also approved by all members.

XXI. +CONSIDERATION/APPROVAL OF SETTLEMENT AGREEMENT & ORDER REGARDING LANCE BETSON, D.O., IBM EDWARDS (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$1000.00, with a payment plan. A motion was made by Dr. Manthei to approve the agreement, seconded by Dr. Milne, and approved by the Board.

XXII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER AND ENTRY OF ORDER OF FULFILLMENT OF SETTLEMENT REGARDING LANCE ALLGOWER, D.O., IBM KALEKAS (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dianna explained that this was a failure to report case. He has agreed to pay a total amount of \$1200.00, which is paid in full. A motion was made by Dr. Milne to approve the agreement, seconded by Dr. Manthei, and approved by the Board. The order of fulfillment was also approved by all members.

XXIII. +CONSIDERATION/APPROVAL OF PROPOSED SETTLEMENT AGREEMENT & ORDER REGARDING KIAN KAVEH, D.O., IBM KALEKAS (Discussion/Board may go into closed session) 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 \$3000.00 with payments of \$500.00 per month. A motion was made by Dr. Milne to approve the agreement, seconded by Dr. Manthei, and approved by the Board.

XXIV. +CONSIDERATION/APPROVAL OF LOBBYIST BRYAN GRESH CONTRACT (Discussion/Board may go into closed session) Daniel Curtis, D.O., Chairman

Dr. Curtis explained that we are considering an approval of an agreement between to Bryan Gresh and the Board. We need to get Brian on board as a lobbyist for our office at \$1500.00 per month, and it appears that the board can afford this. Things are moving fast with Interim Healthcare Committee meeting scheduled for early November, 2009, and there are a number of important issues (including the issue of medical assistants) that we will need help with during the 2011 legislative session and prior thereto.

A motion was made by Dr. Kalekas, seconded by Dr. Curtis, and approved by the Board to have a contract through December 31, 2010.

**XXV. CONSIDERATION/APPROVAL OF APPLICATIONS FOR SPECIAL LICENSES
(Discussion/Action) Daniel Curtis, D.O., Chairman**

- a. Volunteer pro bono- for indigent, uninsured and unable to afford health care and for times of natural disaster
- b. State Department of Corrections
- c. State Mental Health Division
- d. Demonstration of medical techniques and procedures for special events

Dr. Kalekas made motion to approve all four applications as drafted, and revised by Ms. Rosaschi. Motion seconded by Ms. Rosaschi, and approved by the remaining Board members. These licenses are now available (as of 10-1-09).

**XXVI. CONSIDERATION/DISCUSSION OF NEED FOR NEW REGULATIONS;
SCHEDULING OF WORKSHOP AND PUBLIC HEARING; AND APPOINTING
BOARD DESIGNEE TO ASSIST WITH RULEMAKING PROCESS
(Discussion/Action) Daniel Curtis, D.O., Chairman**

Dianna discussed regulations to be put in a printed form sent to LCB and requested one of the Board members to work with her to create the regulations. Dr. Havins volunteered to work with Dianna. Dr. Milne suggested that the Board needed to get more involved, and that this may be addressed at another meeting. Dr. Curtis made a motion to have Dr. Havins work with Dianna on the regulations, then present it to the Board. This was seconded by Dr. Kalekas and approved by the Board.

XXVII. STATUS OF OFFICE RELOCATION

Dr. Curtis and Dr. Kalekas have seen the new facility. Barbara explained that this is a savings of \$700.00 per month. The landlord did not want to pay for all of the upgrades/tenant improvements, but decreased the price per square footage. We have to have a special meeting next week to approve the lease agreement and the construction contract for tenant improvements.

XXVIII. EXECUTIVE DIRECTOR'S REPORT/ Staff Report

- a. QuickBooks Balance Sheet, P&L (documents were provided to the board members).
- b. Audit: The auditor will be here this Wednesday to start her onsite audit. The court gave us over \$1200.00 as attorneys' fees on the Catryna Kelly case. Her sentencing is in November, 2009. Trey's checks are still coming in but in small amounts.
- c. Licensing and Enforcement Information
There are 21 applications for DO's and 4 applications for PA's. We have had 36 applicants, 1 canceled application, 25 in process, and 10 licensed.
There are a total of 51 Complaints with 21 new complaints, 16 assigned to an IBM, 14 for non-reporting, and 6 at the AG's office. We have 1 dismissed complaint and 4 inactive/pending.
- d. New Board Members
Mr. Edwards is our new member and Dr. Milne was reassigned by the Governor. The oaths have been or will be provided to the governor's office.
- e. Confirmation by State Bar as to In-house Prosecutor Role

We wanted confirmation from the state bar that Dianna can serve as in-house counsel prosecuting cases. In those cases, Barbara and the IBM can be the clients and Dianna would be the prosecuting attorney. The counsel for the state bar did not indicate that such arrangement was improper or contrary to law as long as there is a distinction between the attorney and the client.

+Possible action items (Discussion/Action):

- f. Pamphlet for Board Members – Dos & Don'ts. Board approved the use of the pamphlet but noted that there was a line omitted from the text.
- g. Board meetings- monthly vs every other month.
Motion by Dr. Kalekas to have meetings on the first Monday of the Month starting in November, seconded by Mr. Manthei, and approved by the Board.
- h. Certificate for Ms. Roche acknowledging her service.
Dr. Curtis made a motion to approve the certificate for Ms. Roche as well as for other board members as they retire/was not reappointed to the board, seconded Dr. Milne, and approved by remaining board members.

XXIX. LEGAL REPORT (Discussion/Action) Colleen Hemingway, DAG, Board Prosecutor

There is no legal report.

XXX. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

We will have a special meeting next week Monday for the approval of the lease agreement and the construction contract. October 17, 2009 is a tentative summary suspension at 9:00 am. Dianna is the prosecutor; Dr. Milne is the IBM. The hearing will be in our offices on E. Flamingo, and the complaint is on the website.

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

No comments.

XXXII. 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 made the following comments: I am glad to see you going to monthly meetings. There is going to be a push again to merge the two Boards at the next legislative session. We need to get Bryan Gresh involved and see what is going on as well as get some positive notice of the recent activities of the board in prosecuting cases.

Approved at the 11/02/09 Board Meeting.