



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

REGULAR BOARD MEETING

AUGUST 11, 2015 @ 5:30 PM

AT THE FOLLOWING LOCATION:

***Nevada State Board of Osteopathic Medicine ~ Conference Room
2275 Corporate Circle, Suite 210
Henderson, NV 89074***

***** MINUTES *****

I. CALL TO ORDER (Discussion/ For Possible Action) Ronald Hedger, D.O., President

Roll call to determine presence of a quorum

Board Members:

Ronald Hedger, D.O.
Ricardo Almaguer, D.O.
James Anthony, D.O.
Samir Pancholi, D.O.
S. Paul Edwards, Esq., Public Member
Nicole Cavenagh, Ph.D., Public Member

Board Staff:

Barbara Longo, Executive Director
Louis Ling, Esq., Board Counsel
Sophia Long, Esq., DAG

Public:

Weldon Havins, M.D.
Steven Moore
Eric Haralson, PA-C
Joseph Cerni, D.O.
Lisa Neinchel
David Moon, D.O.

II. PUBLIC COMMENT

NOTE: Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126

Dr. Havins asked a question on the compilation statement and if an audit would be performed. Ms. Longo explained that audits are due December 1st every year.

III. APPROVAL OF BOARD MEETING MINUTES FROM JUNE 9, 2015, (Discussion/For Possible Action) Ronald Hedger, D.O., President

A motion was made by Mr. Edwards to approve the minutes from 06/09/15, seconded by Dr. Anthony; there being no discussion, the minutes were approved by the Board.

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS & PHYSICIAN ASSISTANTS (Discussion/ For Possible Action) Ronald Hedger, D.O., President

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
Jessie Allen, D.O.	Pediatrics
Maria Arganoza-Priess, D.O. - Reinstatement	Family Medicine
Brent Bluett, D.O.	Neurology
Charles Chesnut, D.O.	General Surgery
Christina Henry, D.O.	Family Medicine
Elizabeth Huck, D.O.	Diagnostic Radiology
Johnson Kay, D.O.	Internal Medicine/Rheumatology
Andrea Kurz, D.O.	Family Medicine
James McCrary, D.O.	Family Medicine
Robert Mendenhall, D.O.	Psychiatry
Tara Ramirez, D.O.	Pediatrics
Jeffrey Schenk, D.O.	Internal Medicine
Scott Silver, D.O.	Internal Medicine
Jamie Sparrow, D.O.	Family Medicine
Denice Starley, D.O. – Reinstatement	Physical Medicine & Rehabilitation
Roger Wallace, D.O. – Reinstatement	Family Medicine
Anthony Welch, D.O.	Internal Medicine

Physician Assistant	Supervising Physician
Spencer Meier, PA-C	SuSun Michaels, D.O.
Andinowoh Orock, PA-C	Scott Thomas, D.O.
Carlos Vasquez, PA-C	Charles Weintz, D.O.

Special Licenses NRS.633.411:

Robert Howard, D.O.	UMC
James Pierce, D.O.	Valley – Internal Medicine
Christopher Wittgren, D.O.	UMC

A motion was made by Dr. Anthony to approve the above licensee, seconded by Dr. Cavenagh, there being no discussion; the license was approved by the Board.

V. +FULL LICENSURE FOR PHYSICIAN ASSISTANT ERIC HARALSON, P.A.-C, (personal appearance), (Discussion/For Possible Action NOTE: The Board may go into closed session pursuant to NRS 241.030 because the discussion will have to do with this

applicant's character, alleged misconduct, professional competence, or similar items), Ronald Hedger, D.O., President

Dr. Hedger asked PA Haralson if he would like to go into a closed session and he opted for a closed session. Dr. Hedger made motion to table the application until PA Haralson contacts Mr. Espadero to start the program and notify us when that occurs and supply a copy of his AA meetings and go to a minimum of 3 AA meetings a week with the clerk signing them then given to the Board for review, seconded by Dr. Almaguer, there being some discussion; the motion was approved by the Board.

VI. +FULL LICENSURE FOR OSTEOPATHIC PHYSICIAN JOSEPH CERNI, D.O., (personal appearance), (Discussion/For Possible Action NOTE: The Board may go into closed session pursuant to NRS 241.030 because the discussion will have to do with this applicant's character, alleged misconduct, professional competence, or similar items), Ronald Hedger, D.O., President

Dr. Hedger asked if Dr. Cerni would like to go into a closed session and he opted for an open session. Ms. Longo gave a summary of the application. The Board asked Dr. Cerni questions. A motion was made by Dr. Hedger to grant licensure to Dr. Cerni, seconded by Dr. Pancholi; there was some discussion and the license was approved by Dr. Hedger, Dr. Pancholi, Dr. Anthony, Dr. Cavenagh, and Mr. Edwards and opposed by Dr. Almaguer. The motion passes.

VII. CONSIDERATION/APPROVAL OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS AND ORDER REGARDING RICHARD HILER, D.O., (Discussion/For Possible Action), Ronald Hedger, D.O., President

Ms. Longo explained that Dr. Hiler entered into a settlement agreement in November 2011 with the Board for writing prescriptions for controlled substances after his registration had expired. He did not have a valid patient physician relationship with the patients he was prescribing for, there were dangerous drugs and controlled substances not lawfully acquired, some not FDA approved, and the facility fell below the standards of practice. He surrendered his license and has paid his fine. Dr. Hiler has fulfilled the terms of his settlement agreement. A motion was made by Dr. Anthony to approve the order of fulfillment, seconded by Dr. Cavenagh, there being no discussion; the fulfillment order was approved by the Board. The IBM was recused from voting.

VIII. CONSIDERATION/APPROVAL OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS AND ORDER REGARDING SUSAN MIKO, D.O., IBM RICARDO ALMAGUER, D.O., (Discussion/For Possible Action), Ronald Hedger, D.O., President

Ms. Longo explained that Dr. Miko entered into a settlement agreement in February 2014 with the Board for violations of her settlement agreement from 2008 that she could not write controlled substance prescriptions for family. She did write a prescription for her parents and one for her husband. Dr. Miko has fulfilled the terms of his settlement agreement. A motion was made by Mr. Edwards to approve the order of fulfillment, seconded by Dr. Cavenagh, there being no discussion; the fulfillment order was approved by the Board. The IBM was recused from voting.

IX. +HEARING AND ACTION REGARDING DAVID MOON, D.O. (CASE NO. AD1503002), IBM RONALD HEDGER, D.O., (Discussion/For Possible Action NOTE: The Board may go into closed session pursuant to NRS 241.030 because the discussion will have to do with this licensee's character, alleged misconduct, professional competence, or similar items) Ricardo Almaguer, D.O., Vice President

As a preliminary matter, Dr. Almaguer accepted into evidence Exhibits 1-5 that were attached to the Amended Complaint in the matter. Thereafter the parties made their

appearances. Mr. Ling appeared as Board Counsel. Dr. Moon introduced himself and explained that he was not going to be represented by counsel in the hearing of the matter. Both parties then made brief opening statements.

Board staff presented the testimony of Ms. Longo. Ms. Longo testified that the Board's official records in the matter contained certified copies of the documents that had been accepted into evidence at Exhibits 1-5. Ms. Longo also testified that Nevada law required that when Dr. Moon had surrendered his Utah license, he was required to notify the Board of the surrender of the Utah license and that Dr. Moon had not so notified the Board's office. At the close of Ms. Longo's testimony, Board staff closed its presentation of evidence.

Dr. Moon testified on his own behalf. Dr. Moon explained his understanding of the events that occurred in Utah and Oklahoma. In particular, Dr. Moon blamed his failure to notify the Board of the Utah licensure surrender on one of his office staff. Dr. Moon explained his side of the events that transpired before the Oklahoma Board, including the Board's three suspensions of his license and the Board's ultimate revocation of his license. Dr. Moon did not take responsibility for his acts upon which the Oklahoma Board's actions were based or for his failure to comply with the Oklahoma Board's probationary conditions. Dr. Moon asserted that he had fully complied with the Oklahoma Board's probationary terms and could not explain why the Oklahoma Board reached the opposite conclusion, namely that Dr. Moon had failed to complete any of the probationary terms. Various Board members asked Dr. Moon pertinent questions, which Dr. Moon attempted to answer. At the close of the questions by the Board members, Dr. Almaguer invited the parties to present their closing arguments.

The parties presented their closing arguments. Mr. Ling argued that Dr. Moon's license should be revoked based upon the seriousness with which the Oklahoma Board took Dr. Moon's failure to comply with its probationary terms. Mr. Ling asked that if the Board revoked Dr. Moon's license, that he not be allowed to apply for reinstatement of his license until he completed three conditions: (1) he got his Oklahoma license reinstated; (2) he paid the outstanding sums he agreed to pay in the Settlement Agreement and Order in the Board's related cases, and (3) he paid Dr. Patterson's outstanding balance due of approximately \$5,000 to \$6,000. Dr. Moon made no closing argument.

After the closing arguments, Board members asked Dr. Moon a few more questions, which Dr. Moon answered. After exhausting all remaining questions, Mr. Edwards made a motion to find that Dr. Moon had violated all three causes of action made against him in the Amended Complaint. Dr. Pancholi seconded the motion. The motion passed unanimously. Thereafter, Dr. Pancholi moved to adopt Mr. Ling's recommended discipline, namely that Dr. Moon's license be revoked and that he could not apply for reinstatement until he satisfied the three conditions outlined by Mr. Ling. Mr. Edwards seconded Dr. Pancholi's motion. The motion passed unanimously. Thereafter, the hearing was closed.

X. CONSIDERATION/ACTION TO GRANT THE ISSUANCE OF COST OF LIVING INCREASE TO STAFF EFFECTIVE JULY 1, 2015, (Discussion/For Possible Action)

Ronald Hedger, D.O., President

Dr. Hedger explained that the State has reenacted the cost of living increase for employees. This is consideration for a cost of living increase to the staff retro to July 1st. Mr. Edwards stated that the Board of Pharmacy approved a cost of living raise to their staff at their last Board meeting. A motion was made by Dr. Almaguer to approve a cost of living increase, seconded by Dr. Anthony, there being no discussion; the motion was approved by the Board.

XI. CONSIDERATION/ACTION TO APPOINT EXECUTIVE DIRECTOR, BARBARA LONGO, TO SERVE ON THE COMMISSION OF THE INTERSTATE LICENSURE COMPACT COMMITTEE, (Discussion/For Possible Action) Ronald Hedger, D.O., President

Ms. Longo explained that the commission will help work on the regulations for the interstate licensure compact committee and would like to be appointed to make sure that our interests are represented. A motion was made by Dr. Hedger to appoint Barbara Longo to serve on the commission of the interstate licensure compact committee, seconded by Dr. Cavanagh, there being no discussion; the motion was approved by the Board.

XII. EXECUTIVE DIRECTOR'S REPORT

- a. Ms. Longo explained the Quick Books Compilation and 2014-2015 Budget.
- b. Licensing
- c. K3 Changes (SS#, PW encryption) SS# is encrypted and the passwords are changing this year.
- d. SB 21 Business License clarification on who needs to report.
- e. Steve Ray- podiatry investigations & CMBI presentation this week.

XIII. LEGAL REPORT (Discussion/Action) by Louis Ling, Board Counsel and/or Sophia Long, Deputy Attorney General

There is no update on the Dr. Orr case. He wanted to let the Board know that he will be going to FARB conference in Denver in October and has asked Ms. Longo if this Board could pay for a fifth of that trip if he gets the other Boards he counsels to help pay for this.

XIV. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

No Comment.

XV. PRESIDENT Report on Board Business, Ronald Hedger, D.O., President

No Comment.

XVI. PUBLIC COMMENT

No Comment.

Dr. Hedger made a motion to adjourn the meeting, seconded by Dr. Pancholi, and approved by the Board.

Approved at September 8, 2015 Board meeting.