



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

REGULAR BOARD MEETING & PUBLIC WORKSHOP

JUNE 14, 2016 @ 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.
C. Dean Milne, D.O.
Paul Mausling, D.O.
Samir Pancholi, D.O.
Nicole Cavenagh, Ph.D., Public Member
S. Paul Edwards, Esq., Public Member

Board Staff:

Barbara Longo, Executive Director
Louis Ling, Esq., Board Counsel

Public:

Chad Taylor, D.O.
Michael Yudez, D.O.
Robert Kessler, D.O.
Susan Fisher
Denise Selleck
Brian Evans
Weldon "Don" Havins, M.D., J.D.
Joseph Reyes, D.O.
Robert Baker, D.O.
Shirley Rodriguez, D.O.
James Joslin, D.O.
Lesley Dickson, M.D.

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

No Comments.

III. APPROVAL OF BOARD MEETING OPEN MINUTES FROM MAY 10, 2016, (Discussion/For Possible Action) Ronald Hedger, D.O., President

A motion was made by Dr. Cavenagh to approve the minutes from 05/10/16, seconded by Mr. Edwards; 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:

Osteopathic Physician Name

Carmen Alfonso, D.O.
Matthew Fain, D.O.
Cheryl Martin-Profit, D.O. – Reinstatement
Christina Mota, D.O.
Maria Perez-Johnson, D.O. - Endorsement

Specialty

OB/GYN
Internal Medicine
OB/GYN
Family Medicine
Pediatrics

Physician Assistant

Alisa Gifford, PA-C
Susan Morgan, PA-C

Supervising Physician

Dana Forte, D.O.
Carrie Hersh, D.O.

Special Event

Shino Bay Aguilera, D.O.

Specialty

Dermatology

Effective 07/01/16:

Amy Bliss, D.O.
Elizabeth Bollenbacher, D.O.
Jared Brummel, D.O.
Sahmon Chinichian, D.O.
Derek Crouch, D.O.
Ricardo Cruz, D.O.
Richard Curren, D.O.
John Hopkins, D.O.
Gregg Kling, D.O.
Amy Lefferdink Jennings, D.O.
Eric Lindvall, D.O. - Endorsement
Andrew Liu, D.O.
Amy McDonald, D.O.
Jenine Paner-Bansi, D.O.
Paul Paradiso, D.O.

Emergency Medicine
Internal Medicine
Orthopedic Surgery
Ophthalmology
Family Medicine
Family Medicine
Family Medicine
Family Medicine
Emergency Medicine
Emergency Medicine
Anesthesiology
Orthopedic Surgery
Internal Medicine
OB/GYN
Family Medicine
Internal Medicine

Elizabeth Phung-Hart, D.O.
Jesse Reinking, D.O.
Jason Remick, D.O.
Kirsta Schoeff, D.O.
Alexis Stephens, D.O.
Adrienne Szeto, D.O.
Alan Taylor, D.O.
Alexander Udell, D.O.
Christopher Ward, D.O. - Endorsement
Lynsey Zuar, D.O.

Internal Medicine
Psychiatry
Emergency Medicine
Pediatric Ophthalmology
Dermatology
Neurology
Occupational Medicine
Internal Medicine
Internal Medicine
Pediatrics

Special Licenses NRS.633.411:

Azaan Akbar, D.O.
Thanh Cao, D.O.
Steven Carter, D.O.
Jonathan Chiang, D.O.
Edward Co, D.O.
Debbie Dennis, D.O.
Berj Dermendjian, D.O.
Neal Foley, D.O.
Sonia Garcia-Jayne, D.O.
Dyllen Grossman, D.O.
Alvin Ha, D.O.
Victor Hoang, D.O.
Jason Hoffman, D.O.
Ryan Huang, D.O.
George Jeung, D.O.
Steven Jorgensen, D.O.
Amanda King, D.O.
Michelle Lin, D.O.
Jed Lowe, D.O.
Devone Mansour, D.O.
Andreea Marina, D.O.
Micheal McGrew, D.O.
Winnie Nhan, D.O.
Andrew Ockuly, D.O.
Peter Park, D.O.
Priyanka Patel, D.O.
Tyler Peterson, D.O.
Amanda Pham, D.O.
Tyler Primavera, D.O.
Daniel Psoinos, D.O.
Michael Sheinin, D.O.
Joseph Telliard, D.O.
Christopher Tonthat, D.O.
Aric Tucker, D.O.
Arielle Von Strolley, D.O.
Alan Walsh, D.O.
Tarris Webber, D.O.
Nancy Yan, D.O.
Garet Zaugg, D.O.

Valley - Internal Medicine
Valley - Internal Medicine
Valley - Internal Medicine
UNSOM – Family Medicine LV
UNSOM – Internal Medicine LV
UNSOM - Psychiatry Reno
Valley – Internal Medicine
Mountain View – General Surgery
Valley – Family Medicine
Valley – Internal Medicine
Valley - Internal Medicine
Valley – Orthopedic
Valley – Orthopedic
Valley – Family Medicine
Valley – Internal Medicine
UNSOM - Family Medicine – Reno
UNSOM – Psychiatry LV
Valley – Family Medicine
Valley - Internal Medicine
UNSOM – General Surgery
UNSOM – Psychiatry LV
Valley – Family Medicine
Valley - Internal Medicine
UNSOM – General Surgery
UNSOM – Internal Medicine Reno
Valley - Internal Medicine
Valley – Family Medicine
UNSOM – Psychiatry LV
UNSOM – Internal Medicine Reno
UNSOM – Psychiatry Reno
Valley - Internal Medicine
Valley – Internal Medicine
Valley – Internal Medicine
Valley – Internal Medicine
Valley – Neurology
Valley – Internal Medicine
Valley – Internal Medicine
UNSOM – Psychiatry Reno
Valley - Neurology

A motion was made by Dr. Milne to approve the above licensees as listed above, seconded by Dr. Cavenagh, there being no discussion; the licenses were approved by the Board.

- V. **+FULL LICENSURE FOR OSTEOPATHIC PHYSICIAN CHAD TAYLOR, D.O., (personal appearance), (Discussion/For Possible Action/Board may go into closed session pursuant to NRS 241.030 to move to a closed session 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 Dr. Taylor if he would like to go into a closed session. Dr. Taylor requested the closed session. A motion was made and passed to go into closed session. A motion was made by Dr. Cavenagh to go back into open session, seconded by Dr. Milne, and approved by the Board. Dr. Pancholi made a motion to approve licensure, seconded by Dr. Cavenagh; there being no discussion, the license was approved unanimously by the Board.

- VI. **+FULL LICENSURE FOR OSTEOPATHIC PHYSICIAN MICHAEL YUDEZ, D.O., (personal appearance), (Discussion/For Possible Action/Board may go into closed session pursuant to NRS 241.030 to move to a closed session 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 Dr. Yudez if he would like to go into a closed session. Dr. Yudez requested the closed session. A motion was made and passed to go into closed session. Dr. Milne made a motion to go back into open session, seconded by Dr. Cavenagh, and approved by the Board. Dr. Cavenagh made a motion to approve licensure, seconded by Mr. Edwards; there being no discussion, the license was approved unanimously by the Board.

- VII. **+ CONSIDERATION/APPROVAL OF REMEDIATION AGREEMENT AND ORDER REGARDING MITCHEL PHILLIPS, D.O., IBM PAUL MAUSLING, D.O., (Discussion/For Possible Action/Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion will have to do with this applicant's character, alleged misconduct, professional competence, or similar items).** Ronald Hedger, D.O., President

Mr. Ling explained the remediation agreement was intended to remediate those deficiencies that were found in the investigation. The Board Staff and IBM will work with Dr. Phillips to make sure that his practice is improving as a result of this remediation. A motion was made by Dr. Milne to approve the remediation agreement, seconded by Dr. Cavenagh; after some discussion, the remediation agreement was approved by Dr. Hedger, Dr. Milne, Dr. Cavenagh, and Dr. Almaguer with Dr. Pancholi and Mr. Edwards opposed. The motion passed.

- VIII. **+ CONSIDERATION/APPROVAL OF SETTLEMENT AGREEMENT AND ORDER REGARDING ROBERT TOLEDO, D.O., IBM NICOLE CAVENAGH, Ph.D., (Discussion/For Possible Action/Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion will have to do with this applicant's character, alleged misconduct, professional competence, or similar items).** Ronald Hedger, D.O., President

Mr. Edwards recused himself from this agenda item because of his involvement with the matter in his capacity as counsel for the Board of Pharmacy. Mr. Ling explained the settlement agreement and that it would be reportable to the NPDB. Dr. Toledo is obstetrician and gynecologist. He had a sister-in-law who got into a business called Henderson Wellness and Colonic. The investigation found several deficiencies regarding this company such as that Dr. Toledo had pre-signed prescription forms and basically had no medical involvement at all. Mr. Ling explained that under the terms of the Settlement, Dr. Toledo will be allowed

to continue to be involved with Henderson Wellness and Colonic as long as he satisfies the conditions that are in the agreement. Dr. Toledo is also working with the Pharmacy Board regarding its concerns. Dr. Hedger asked for a motion to approve the agreement. Dr. Pancholi stated that he had a concern that Dr. Toledo can have someone else practicing medicine and we are not doing more than this. Dr. Milne agreed and expected that the practice would be closed. Mr. Ling explained that we are following the pattern that the Board has approved in the past. Dr. Hedger asked why the Board cannot add that he cannot run a medi-spa for six months. Dr. Pancholi opined that he did not have a specific recommendation other than that there needed to be more of a fine than \$5000. Dr. Hedger asked what Dr. Pancholi and Dr. Milne would like to see as a sanction if they were opposed to the agreement. Mr. Ling stated that we would have to go back to the attorney for renegotiation of the agreement. The option is to accept or reject this agreement. If the Board rejected the agreement, then the Board can talk about what it wants to see beyond what was already in the agreement. Dr. Hedger asked if someone would like to propose a motion. A motion was made by Dr. Mausling to approve the agreement. The motion to approve the settlement agreement failed for lack of a second.

IX. PUBLIC WORKSHOP: DISCUSSION/CONSIDERATION/POTENTIAL ACTION REGARDING R069-16 DRAFT REGULATORY LANGUAGE ADDRESSING THE USE OF OPIOID ANALGESICS IN THE TREATMENT OF PAIN, (Discussion/For Possible Action), Ronald Hedger, D.O., President

Mr. Ling explained that the intent of the regulation workshop was to receive comments from the public regarding the draft regulation language and then if the Board decided at the end of this to continue to pursue the regulation, then there would be a motion to that effect; the next step would be a formal regulation hearing. At that hearing the Board would decide whether or not to adopt the regulation. The Legislative Counsel Bureau had already worked on these regulations, but LCB's version could not be presented to the Board because we did not get them in time to put them in the Board materials so that is not what we publicly noticed. Mr. Ling noted that the LCB had but done some extensive work on the language. For example, Section 1 has been removed by the LCB. LCB had also changed the definition of "intractable pain." The rest of the regulation LCB had largely left structurally in place. Ms. Longo asked the public to come to the front of the table, state their name, and then make their comment. Dr. Hedger asked if there were any comments.

Robert Kessler, DO commented on several sections and stated that the state does not have enough pain management specialists in Nevada to have all patients go to pain management specialist.

Joseph Reyes, DO is a pain management specialist who has been in practice since 2004 and since 2011 in the State of Nevada. From a pain management standpoint, there is a lot of pressure that is coming from the State and locally, practitioners are always worried about DEA compliance. There is a large opioid problem here in Nevada. Sometimes it takes more than 90 days to completely treat a patient. He asked if the Board has someone in the pain management field as a reference when needed.

Denise Selleck, Nevada Osteopathic Medical Association. The NOMA Board asked her to appear tonight to state that a lot of these things are very onerous when you are talking about a family physician who is doing a limited number of pain management patients and then refer them out to a pain management physician and that there is concern of the number of pain management physicians available.

Weldon "Don" Havins, MD, identified that this Board already has a law that states this Board has the discretion to determine if there is excessive prescribing and that the Board can

discipline a physician appropriately. The regulation under consideration will limit the Board somewhat because there has to be a specific violation of these regulations. He recommended the Board put this aside and wait until the Governor's task force.

Lesley Dickson, MD, the Executive Director of the Nevada Psychiatric Association. She wanted to say that she does do PMP reports on her patients and they are so miserable from their withdrawals from medications. A lot of her patients are getting their medications from the streets. Some patients are selling their hydrocodone for street drugs or just for money.

Dr. Hedger closed the public comment period and invited Board member comments.

Mr. Edwards stated that he did not agree with all of the comments tonight. His biggest concern working with the Pharmacy Board is that the perception is that the Boards are not doing sufficient work. He felt that if we had regulations in place that we would be in a better position to make an argument that we are doing something and to let our methods run their course to see if they work.

Dr. Hedger stated that we have to have something to show the legislature.

Dr. Cavenagh made comments of the legislative process.

Dr. Pancholi agreed with the comments made by the participants.

Dr. Milne recommended that the Board wait and see what the Legislature decided.

Dr. Almaguer felt that the Board needed to take a stance before the Governor or Legislature does.

Dr. Mausling agreed with Dr. Almaguer.

Dr. Hedger thanked everyone for their comments and requested a motion. A motion was made by Mr. Edwards to move to public hearing, seconded by Dr. Almaguer; there was some discussion. Dr. Hedger asked for all those in favor of moving this to public hearing which will involve further discussion and modifications on it. The motion was approved by Dr. Hedger, Dr. Almaguer, Dr. Milne, Dr. Cavenagh, and Mr. Edwards with Dr. Pancholi opposed. Mr. Ling stated that this has to be posted 30 days so the Board could have the hearing at the August meeting date.

X. EXECUTIVE DIRECTOR'S REPORT

- a. Financial
- b. Licensing
- c. Interstate Medical Licensure Compact Update – We meet next Friday in Salt Lake City. Five more states have joined the compact; Arizona, Colorado, New Hampshire, Kansas, and Mississippi.
- d. August Board Meeting Date – Change. We have a ninth circuit hearing is on August 9th, which is the current Board meeting date so it needs to be either August 2 or August 16th. The meeting will be August 16th.

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

Mr. Ling will be going to hearing on August 9, 2016 at 9:00 AM regarding the Dr. Orr case. He will send the Board a link to watch. The result should be received 60 to 90 days after the hearing.

XII. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

No Comments.

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

No Comments.

XIV. PUBLIC COMMENT

No Comments.

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

Approved at August 16, 2016 Board meeting.