



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

REGULAR BOARD MEETING & PUBLIC HEARING

DECEMBER 13, 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.
Nicole Cavenagh, Ph.D., Public Member
S. Paul Edwards, Esq., Public Member

Board Staff:

Barbara Longo, Executive Director
Louis Ling, Esq., Board Counsel
Steven Ray, Chief of Enforcement.

Public:

Susan Fisher
Ryan Workman, D.O.
Sandra Reed
Derek Meeks, D.O.
Trey Delap
Pejman Bady, D.O.
Terri Barber
Dean Polce, D.O.
James Joslin, D.O.
Michael Yudez, D.O.
Brian Le, D.O.
U. Inge Ferguson, D.O.
Daren Wirtz, D.O.
Kevin Kapov, D.O.
Two others present, but cannot read names on sign in sheet.

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 NOVEMBER 8, 2016, (Discussion/For Possible Action) Ronald Hedger, D.O., President

A motion was made by Dr. Cavenagh to approve the minutes from 11/08/16, seconded by Dr. Milne; 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	Specialty
Kenneth Brandt, D.O.	Internal Medicine
Christine Cao, D.O.	Family Medicine
Kyle Hirsch, D.O.	Internal Medicine
Aubrey Hoye, D.O.	Emergency Medicine
Ryan Sefcik, D.O.	Gastroenterology
Susan Slominski, D.O. – Reinstatement	Dermatology

Physician Assistant	Supervising Physician
Kaitlin Mitchell, PA-C	Unknown at this time
Dustin Hofheins, PA-C	Unknown at this time

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. DISCUSSION/ACTION TO REMOVE EXECUTIVE DIRECTOR, BARBARA LONGO AND ADD SECRETARY, NICOLE CAVENAGH, Ph.D., AS A SIGNER ON BANK OF THE WEST AND WELLS FARGO ACCOUNTS, (Discussion/For Possible Action) Ronald Hedger, D.O., President

A motion was made by Dr. Hedger to approve removal of Barbara Longo as a signer to the bank accounts and adding Nicole Cavenagh, PhD as a signer on Bank of the West and Wells Fargo accounts, seconded by Dr. Milne, and approved by the Board.

VI. PUBLIC HEARING: 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 the regulation R069-16. Mr. Ling explained that the Board's process would be to receive comments and thereafter to vote to either approve or disapprove the regulation. If approved, then the regulation would go to the Legislative Commission for

approval or disapproval. Mr. Ling explained the reason for this regulation. Mr. Ling explained that the Board had received five written comments that were in favor of the regulation and one comment that was opposed to the regulation. Pejman Bady, D.O. on behalf of the Nevada State Medical Association testified in opposition to the regulation based on the concern that the regulation as written would impact patient care in Nevada. Derek Meeks, D.O., who is a Board member of the Nevada Osteopathic Medical Association, testified that the NOMA opposed the regulation. Dr. Meeks testified further that as an ER doctor, he appreciated the idea, thought, and motivation behind the regulation, but he expressed concerns that the patients will seek other forums to obtain their opioids. Dr. Meeks further stated that NOMA strongly urged the Board to temporarily halt any efforts to pass new regulations until the Governor's state of the state address in January when the bill by Dr. DiMuro will be introduced and reviewed by all parties. Brian Le, D.O. testifies in opposition to the regulation. Inga Ferguson, D.O. testified largely in support of the regulation based upon some difficult familial issues related to pain, but felt that the Board would benefit from input from a pain management specialist. Trey Delap from Group Six Partners testified in support of the regulation. Michael Yudez, D.O. testified in support of the regulation with primary care physicians treating acute pain and referring chronic pain patients to pain management physicians. Darren Wirtz, D.O. made comments regarding the regulations after the public comment section. A motion was made by Dr. Hedger to approve the regulations draft, seconded by Dr. Milne; there being some discussion, the regulation was approved by the Board.

VII. DISCUSSION OF ANESTHESIOLOGIST ASSISTANT BILL DRAFT BY DEAN POLCE, D.O., (Discussion) Ronald Hedger, D.O., President

Dr. Polce discussed the proposed draft SB181 regarding anesthesiologist assistant. He clarified two points that appeared in the Board's letter opposing the bill draft last legislative session, namely that consent is requested by already sedated patients, which is impossible and unethical and that the bill allowed concurrent supervision of four rooms and while the supervising anesthesiologist treated a patient in a fifth room on his or her own at the same time. Dr. Polce stated that such a practice is illegal, Medicare fraud, and against the false claims act. Dr. Polce explained that an anesthesiologist cannot say he is medically directing or supervising four AAs at one time and then seek to collect payment on a fifth room. There was some discussion. This is under BDR 155. Mr. Ling asked for a copy of the BDR.

VIII. DISCUSSION/ACTION OF APPLICANTS SANDRA REED AND TERRI BARBER FOR POSITION OF NEW EXECUTIVE DIRECTOR, (Discussion/For Possible Action) Ronald Hedger, D.O., President

Dr. Hedger explained that Barbara Longo would be resigning and asked Sandra Reed to present herself to the Board. Ms Reed explained her experience and was interviewed. Dr. Hedger then asked Terri Barber to introduce herself and she was interviewed by the Board members. After brief discussion and deliberation, a motion was made by Dr. Mausling to offer the position of Executive Director to Sandra Reed, seconded by Dr. Cavenagh; there being some discussion, the motion was approved by the Board to hire Sandra Reed as Executive Director.

IX. EXECUTIVE DIRECTOR'S REPORT

- a. Financial
- b. Licensing

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

Both the Ninth Circuit Court of Appeals and the federal District Court issued orders to Dr. Orr to pay our attorney fees on the Orr case.

XI. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

Mr. Edwards asked about the upcoming legislative session and if we have a contact person in place other than the lobbyist when issues arise. Ms. Fisher stated that she will contact the Executive Director, the President of the Board, and Mr. Ling.

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

No Comments.

XIII. PUBLIC COMMENT

No Comments.

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

Approved at 01/10/17 Board meeting.