



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

BOARD MEETING

October 8, 2019 @ 5:30 PM

AT THE FOLLOWING LOCATION:

*Nevada State Board of Osteopathic Medicine ~ Conference Room
2275 Corporate Circle, Suite 210
Henderson, NV 89074
Public Call in Number: 1-866-854-6779; Meeting Code: 7492532#*

*** 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, DO.
Paul Mausling, D.O.
Samir Pancholi, D.O.
Ricardo Almaguer, DO.
Swadeep Nigam, Public Member
Carla Perlotto Ph.D., Public Member

Board Staff:

Sandra Reed, Executive Director
Louis Ling, Esq., Board Counsel
Susan Fisher

Public:

Bridget Kelly
Chaz Fernandez

Dr. Hedger asked if there was anyone from the public on the phone line and if so, to identify themselves and confirm they could hear the meeting. There was no response.

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 MINUTES FROM SEPTEMBER 10, 2019, AND THE CLOSED MINUTES FROM AUGUST 13, 2019 (Discussion/For Possible Action)

Ronald Hedger, D.O., President

Mr. Nigam made a motion to approve the closed minutes from August 13, 2019 and the September 10, 2019 minutes; seconded by Dr. Perlotto. There being no discussion, the minutes were approved by the Board.

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS, (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/Vice 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.

Osteopathic Physician Name	Specialty
Joel Abbott, D.O.	Urologic Surgery
Loras Even, D.O.	Family Medicine
Michael Groshner, D.O.	Internal Medicine
Amber Hull, DO.	Pediatrics
Alisa Roysman, D.O.	Pediatrics
Adam Shafer, DO.	Psychiatry

Dr. Perlotto made a motion to approve the licensees as written; and, seconded by Mr. Nigam. There being no discussion, the Board approved licensure.

V. CONSIDERATION OF AND POTENTIAL ACTION TO ADDRESS REQUEST BY DR. TINNEY TO WITHDRAW HIS APPLICATIONS FOR LICENSURE (Discussion/For Possible Action) Sandra Reed, Executive Director, and Louis Ling, Board Counsel

Mr. Ling described the background leading up to the withdrawal request by Matthew Tinney, D.O.. Dr. Tinney appeared without counsel before the Board for license approval at the August 13 Board meeting. Seeing the Board may deny licensure to Dr. Tinney at that meeting, Dr. Tinney requested to withdraw his application at the meeting. However, Mr. Ling advised that it was too late to withdraw, due to a motion already on the table to deny licensure (it had not yet been seconded). The Board ultimately denied his application. The denial of the application was posted to the National Practitioner Data Bank (NPDB). At some time after the denial, Dr. Tinney retained Maria Nutile's law firm for advice. A short time later, the Board office received a second application from Dr. Tinney explaining the actions and other issues initially mentioned at the August meeting. The matter was discussed at the September Board meeting, allowing Dr. Tinney to reapply for licensure. It is noted that the Board has no statute or regulation addressing the limitations for follow-up license applications after denial.

Mr. Ling added that the Board of Medical Examiners has a regulation addressing the denial of applications, setting conditions for reapplying for licensure. He added if the Board allowed Dr. Tinney's current request to withdraw both his first and second applications, he would not reapply with this Board for three years; and, the Board would agree to remove the entry in the NPDB for the denial of licensure. He would also agree to waive all legal rights he might have against the Board. Mr. Ling indicated that if the Board did not approve Dr. Tinney to withdraw his application, then his second application would need to be reviewed at the November 12, 2019, Board meeting.

Ms. Kelly, attorney at the firm of Maria Nutile, spoke on behalf of Dr. Tinney, indicating he would agree to not apply for three years with the understanding that the NPDB report would

be withdrawn and he would waive rights to take any legal action against the Board. Dr. Perlotto asked for clarification of the Medical Examiners Board regulation applying to withdrawals or denial of applications. Mr. Ling stated that the regulation only applied to the denial of an application. A motion was made by Dr. Hedger to allow Dr. Tinney to withdraw his applications for licensure; he could not apply for three years, and remove the denial from NPDB, seconded by Mr. Nigam. There were one approved, four opposed, and Dr. Hedger abstained. The motion failed. It was indicated that Dr. Tinney's second application for licensure would be reviewed again at the November Board meeting.

VI. DISCUSSION/POSSIBLE ACTION REGARDING INFORMATION SHEET ADDRESSING CHANGES TO NEVADA LAW AB 474 UNDER AB 239 IN 2019, (Discussion/For Possible Action) Ronald Hedger, D.O., President

Ms. Reed presented the fact sheet received from the pharmacy Board outlining revisions through AB239, to AB474 (Controlled substance law passed in 2017). Dr. Hedger made a motion to approve and distribute the information to all licensees; and, seconded by Dr. Perlotto, and approved by the Board.

VII. EXECUTIVE DIRECTOR'S REPORT

- a. Financial Statements
- b. Licensing

VIII. LEGAL REPORT (Discussion/For Possible Action) by Louis Ling, Board Counsel and/or Justin Taruc, Deputy Attorney General

Mr. Ling had no report.

IX. LEGISLATIVE UPDATE (Discussion/For Possible Action) by Susan Fisher, Board Government Affairs/Lobbyist.

Ms Fisher stated that the legislative committee on health care has distributed the list of all of their meetings, beginning with the first meeting on November 20, 2019. She added that there will be an interim study on the costs for prescription drugs. No members have been appointed to the Patient Protection Commission yet; but, the Governor may likely appoint the Executive Director sometime in October. Ms. Fisher introduced Chaz Fernandez, who works for lobbyist Jeanette Belz. Mr. Fernandez attended the Board meeting to learn about the function of Board meetings. Beginning in November, Maggie O'Flaherty of McDonald Carano, is relocating to Las Vegas.

X. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

No Comments.

XI. PRESIDENT'S REPORT on Board Business, Ronald Hedger, D.O., President

Dr. Hedger thanked everyone for discussing item V in earnest relating to Dr. Tinney.

XII. PUBLIC COMMENT

No Comments.

Dr. Perlotto made a motion to adjourn, seconded by Mr. Nigam, and approved.

Minutes approved at the November 12, 2019 Board Meeting