



# NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

\*\*\*\*PUBLIC NOTICE\*\*\*\*

## ***REGULAR BOARD MEETING***

***JUNE 9, 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  
Steve Ray, Chief of Enforcement

Public:

Denis Patterson, D.O.  
Jacqueline Leventhal, D.O.  
Larry Espadero  
Weldon Havins, M.D.  
Bryan Gresh

***II. PUBLIC COMMENT***

No Comment.

***III. APPROVAL OF BOARD MEETING MINUTES FROM MAY 12, 2015, (Discussion/For Possible Action) Ronald Hedger, D.O., President***

A motion was made by Dr. Almaguer to approve the minutes from 05/12/15, 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:

<b>Physician Name</b>	<b>Specialty</b>
Lynn Chartrand – Endorsement	Family Medicine
Anthony DiCamillo, D.O.	Neurology
Jason Gubler, D.O.	Family Medicine
Joshua Rosenberg, D.O.	Diagnostic Radiology

  

<b>Physician Assistant</b>	<b>Supervising Physician</b>
James Hibbard, PA-C	Dipti Patel, D.O.
Justin Johnson, PA-C	Kevin Kapov, D.O.

**Special Licenses NRS.633.411:**

Kathryn Avena Totino, D.O.	UNSOM – Internal Medicine Reno Valley – Internal Medicine
April Carr, D.O.	UNSOM – Psychiatry LV
Harry Do D.O.	UNSOM – Internal Medicine Reno Valley – Internal Medicine
Charles Graham, D.O.	UNSOM – Pediatrics
John Hampton, D.O.	UNSOM – Psychiatry LV
Melissa Horton, D.O.	UNSOM - Family Medicine Reno
Audrey Jensen, D.O.	UNSOM – Family Medicine LV
Nicole Kato, D.O.	UNSOM – Psychiatry LV
Kathy Lao, D.O.	UNSOM - Family Medicine Reno
Merrill Mathew, D.O.	UNSOM – Family Medicine LV
John McKittrick, D.O.	UNSOM – Psychiatry LV
David Norton, D.O.	UNSOM – Family Medicine LV
Justin Petrie, D.O.	UNSOM – Psychiatry Reno
Michael Popov, D.O.	UNSOM – Psychiatry LV
Eldon Snyder, D.O.	UNSOM – Psychiatry LV
Kelvin Tran, D.O.	UNSOM – General Surgery
Christopher Vlasek, D.O.	Valley – Internal Medicine
James Weltman, D.O.	UNSOM – Family Medicine LV
Tracy Wurm, D.O.	Valley – Internal Medicine
	WHASN – OB/GYN

<b>Physician Name</b>	<b>Specialty</b>
<b>Effective July 1, 2015:</b>	
Rajiv Amesur, D.O.	Internal Medicine
David Berman, D.O. – Endorsement	Emergency Medicine
Alexander Brooks, D.O.	Psychiatry
Ying-chia Cheng, D.O.	Psychiatry
Bill Chou, D.O.	Family Medicine
Jennifer Dalrymple, D.O.	Family Medicine
Brent DeVera, D.O.	Family Medicine

Jeremy Ernst, D.O.	Psychiatry
Matthew Geromi, D.O.	Psychiatry
Carrie Hersh, D.O.	Neurology
Charles Hu, D.O.	Internal Medicine
Hayat Jawadi, D.O.	OB/GYN
Todd Jensen, D.O.	Anesthesiology
Jae Kwon, D.O.	Family Medicine
Ryan LaBuz, D.O.	Internal Medicine
William LaCost, D.O.	Orthopedic Surgery
Frank Lee, D.O.	Ophthalmology
Amish Prasad, D.O.	Internal Medicine/Cardiology
Jaime Primerano, D.O.	Emergency Medicine
Manuel Proenza, D.O.	Pediatrics
Christine Quartuccio-Carran, D.O.	Family Medicine
Brandon Roberts, D.O.	Internal Medicine
Michael Schicker, D.O.	Orthopedic Surgery
Katherine Steele, D.O.	Internal Medicine
Michael Taylor, D.O.	Anesthesiology
Cyndi Tran, D.O.	Neurology
Aashi Turney, D.O.	Internal Medicine
Travis Vickers, D.O.	Internal Medicine
Jonathan Von Koenig, D.O.	Family Medicine
Tracy Wurm, D.O.	OB/GYN

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

**V. CONSIDERATION/APPROVAL OF ORDER OF FULFILLMENT OF SETTLEMENT TERMS REGARDING JAVIER AVILA, PA-C, IBM RONALD HEDGER, D.O., (Discussion/For Possible Action), Ricardo Almaguer, D.O., Vice President**

Ms. Longo explained that PA Avila entered into a settlement agreement with the Board for the case on David Moon, D.O. PA Avila has fulfilled the terms of his settlement agreement including 18 CME credits and has cooperated with the investigation of Dr. Moon as well as paid the fees and costs assessed. He understands that he has to come before the Board if he is going to work under the supervision of an osteopathic physician within three years from the date of the Settlement. A motion was made by Dr. Cavenagh to approve the order of fulfillment, seconded by Dr. Anthony, there being no discussion; the fulfillment order was approved by the Board. The IBM was recused from voting.

**VI. + CONSIDERATION//APPROVAL TO LIFT SUMMARY SUSPENSION AND REINSTATE FULL LICENSE AS STATED IN THE SETTLEMENT TERMS DATED OCTOBER 15, 2014 REGARDING JACQUELINE LEVENTHAL, D.O., IBM SAMIR PANCHOLI, 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**

Ms. Longo stated that currently Dr. Leventhal's license is in a suspended status and the agreement states that she has a three year probationary period. Mr. Espadero recommended that Dr. Leventhal's suspension be lifted since she is going to her 12-step program and complying with it and has been clean for one year.

Mr. Ling stated that she will still be under the terms of the probation and in her treatment program. This will just allow her to get back to work and as long as she is being monitored

that this is in her best interest and she has been compliant now for a year and can get back to work.

Mr. Espadero stated that based on what he reported he feels comfortable with her going back to practice at this time, but based upon the condition that she continues to be monitored as long as she is practicing in the State of Nevada. He feels safe that she will do a good job as a physician and believes she deserves the right to get back into practice.

Dr. Pancholi asked how things have progressed and changed in the past year. Mr. Espadero stated that she was with Dr. Levy initially and was a reluctant participant in Mr. Espadero's program and the acceptance level was not good, but after she got in the program with other physicians that she started to relax and started to take a look at the reality that is going on because she did not fully accept what was happening to her and looking to her lawyers to pull some magic wand out and make everything okay for her. Once she had that a realization, then she started taking a look at herself other than what was going on around her and she started opening up with the other physicians. She has a ways to go, but she has maintained her sobriety for one year.

Dr. Anthony asked what her plans were. Dr. Leventhal stated that if she did leave the State that she would enroll in whatever program they had. Dr. Anthony asked Mr. Espadero if he was comfortable with Dr. Leventhal leaving the state. Mr. Espadero stated that knowing the people in Utah, he does not feel she is going to find an easy way out up there either and they will continue to monitor her at the same level he does.

Dr. Pancholi asked Mr. Espadero if he would feel uncomfortable if she went to a state other than Utah. Mr. Espadero stated that he would feel uncomfortable as there really are some states that don't monitor as closely or as well as he would like to see. Dr. Leventhal stated that she had no plans of going to any other state but Utah if she were to move. She stated that presently she would be staying in Nevada.

Dr. Almaguer made a motion to lift the suspension and reinstate the full licensure as stated in the terms of the settlement agreement, seconded by Dr. Anthony, and approved by the Board.

**VII. DISCUSSION/PROGRESS REPORT FROM MONITOR DENIS PATTERSON, .D.O., REGARDING DAVID MOON, D.O., IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT DATED OCTOBER 30, 2014, (Discussion/For Possible Action), Ricardo Almaguer, D.O., Vice President**

Ms. Longo explained that Dr. Patterson had completed his review of the March patients, the first set of patients he obtained, for Dr. Moon as per the settlement agreement and had some concerns so he is going to talk about those items.

Dr. Patterson stated that he met with Dr. Moon on December 6, 2014 to summarize the settlement agreement and summarize his expectations of him. Following that they completed a policies and procedures manual for his practice which was completed on February 16, 2015. After that records were pulled on patients from October 2014 through the end of February 2015. Essentially since they had just completed his Policies & Procedures for his practice there were a lot of records that weren't in compliance. From looking at his records, the biggest complaint was incomplete pain histories, some patients where the chief complaint was for ankle pain, but the patient did not have an ankle examination. He wanted Dr. Moon to do risk assessments to make sure patients didn't have abuse history or psychiatric history that would predispose having the bad outcome and he was inconsistently doing those at that point. The other concern was that he was not running PMP reports prior to prescribing to the patients. The other concern was that he was not screening patients with drug screens. It

looked like he was inconsistently checking patients and then when he did check patients he was not signing off on the report or documenting the results in the follow ups, but he was seeing the patients several weeks later. The other thing he didn't do on the first round was get signed medication agreements. Dr. Patterson had a chance to review the past few months of patients and it appears that he is now sending those as well. Previously he was not sending those for him to review. The other item was that they wanted an indication in the notes that he was going to trial patients on the medications and document whether it was helping or not in order to continue the medications. He was making no notes that he was trialing the meds.

Dr. Anthony asked if Dr. Patterson had any issues with injections. Dr. Patterson stated that he has gone to the billing and coding courses for the last eight years. When he looked at Dr. Moon's notes his injections basically indicate one sentence like "left knee injection done." So the documentation was very poor on that and the billing codes that he is using aren't consistent with what he documented. For example at times he was billing for a sacroiliac joint injection, but per CMS guidelines a sacroiliac joint injection done blind is a trigger point. That is not a joint injection. It looks like he is using 20610, which is a large joint injection and per CMS there is a totally different code for sacroiliac joint and it is inclusive with fluoro so if he is not doing these injections under fluoro it is considered blind and therefore he cannot bill for a large joint injection. The other thing noted and he is not sure if the J-code for Kenalog pays more than Celestone, but he has been noting that he injects Celestone and his billing states that he is billing for Kenalog. Not sure why this is, but he definitely sees some inconsistencies in his documentation.

Dr. Anthony asked if he had fluoro in the office. Dr. Patterson stated that he has an X-ray unit, but he understands that he does not have fluoro.

Dr. Hedger asked if Dr. Patterson is still concerned about the PMP reports or the amount of medication he continues to prescribe. Dr. Patterson stated that the first round of records he only found a few patients that he had some concerns. The second round of records that he is currently reviewing has PMP reports showing that patients were on Oxycodone 5 mg. once daily and if you look at the PMP report it looks like the patient has gotten a total of 80 pills in the last year. Dr. Moon sees the patient and the first thing he prescribes is Oxycodone 15 mg. #180, so he tripled the dose and gave them more pills in that one visit than that patient had had for the entire past two years. Dr. Patterson noted that Dr. Moon did not start at a lower dose and gradually increase a patient's dosage after following up with them and making sure that their drug screens are conclusive; it is almost like he starts them at max dose from the get-go, so he definitely has concerns about that.

Dr. Patterson explained that he is reviewing only the new patients, but if you pull the PMP reports he is prescribing very large levels for existing patients and he does not know if he plans on trying to titrate them down to a level that is more acceptable and not sure what kind of agreement the Board has with him on how to handle his existing patients in his practice.

Dr. Pancholi asked if this is matter of further additional training or if Dr. Moon doesn't understand what is required of him, or is this blatant ignorance; what does Dr. Patterson think, with his interaction with him, where we are at with him. Dr. Patterson stated his concerns that Dr. Moon has expressed through words and deeds that he intended to be minimally compliant and cooperative.

Dr. Pancholi stated that per the e-mail correspondence Dr. Moon was asking for more details when Dr. Patterson spelled out exactly what was needed and or missing. Dr. Patterson placed a limit of ten new pain patients a month and Dr. Moon was up in arms about that so it

was interesting to see that in May there were only three new pain patient. Dr. Patterson queried whether Dr. Moon was selecting charts that were going to be more in compliance instead of giving Dr. Patterson an accurate list of all the new chronic pain patients he saw for the month.

Dr. Pancholi asked what would be the best way to get an accurate assessment of what is going on or is there a further measure that would help. Dr. Patterson stated that he just feels Dr. Moon is not taking the entire matter seriously.

Mr. Ling stated that the concerns Dr. Patterson has raised were actively being investigated to reach an answer. Mr. Ling stressed that the Board needed to keep in mind that Dr. Patterson was discussing only the first round of reviews of a two-year process, so the Board should see big improvement over the next couple of reports from Dr. Patterson. Mr. Ling stated that Dr. Patterson's report showed that the matter was are starting from a good place. If the Board doesn't see improvement, then the Board will deal with that then. Dr. Patterson's present presentation was merely giving the Board a stating point.

Dr. Anthony stated that it doesn't seem like Dr. Moon gets it. If he was on any type of agreement, he would make sure he did everything that it says without hesitation. When he read through the e-mails and reports it just seemed like Dr. Moon was blowing it off.

Mr. Ling stated that as Dr. Moon comes to realize that what Dr. Patterson is telling us really matters to you and the feedback gets back to Dr. Moon, he is either going to make a choice and start taking this seriously or he is not. If he doesn't, then there will be consequences. That is how our order is set up. So what the Board needs to see is improvement. Based on this initial report, all of us have some concerns and hope Dr. Moon gets it. Dr. Patterson seems to be a really good set of eyes and ears for this Board.

Dr. Anthony stated that this has been going on for a long time and yes we have this agreement and yes this is the first time Dr. Patterson is looking at this, but there has been no significant changes in behavior and that is the purpose of what we are trying to do, to change behavior.

Dr. Pancholi asked if the agreement started in October 2014. Mr. Ling stated that it was approved at that time, but the first step was making policy and procedure manuals for chronic pain patients and his use of physician assistants. Those took longer than what was expected because of the difficulties of communicating with Dr. Moon. Once that was completed and only until that was done could Dr. Patterson start the work that he is doing now including reviewing charts and sitting down with Dr. Moon stating his concerns.

Dr. Anthony stated that it concerns him that there are only three chronic pain patients and should be easily verified by his PMP report and if there are inconsistencies he should be called on the carpet for that. Dr. Hedger said that Dr. Moon squawked when Dr. Patterson put a limit of 10 new chronic pain patients a month and now all we are getting is three. Mr. Ling said that we are looking at that because that is a concern raised by Dr. Patterson with us and that Board staff was trying to ascertain whether that is a truthful representation.

**VIII. +HEARING AND ACTION REGARDING DAVID MOON, D.O. (CASE NO. AD1503002), IBM RONALD HEDGER, 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) Ricardo Almaguer, D.O., Vice President**

Mr. Ling stated that he had contact with Dr. Moon's attorney regarding the matter that was scheduled for hearing and that they had reached an agreement to continue the hearing on this matter. Mr. Ling explained that when the Complaint was originally filed, Dr. Moon was suspended by the State of Oklahoma. Subsequent to the filing of the Complaint in this matter, the Oklahoma board lifted the suspension, but that board was having a hearing on June 18 about Dr. Moon to resolve the issues they have with him. The agreement with Dr. Moon's counsel was continue the hearing on this matter tonight so that if the Oklahoma Board takes further action on Dr. Moon next week, Board staff would then amend the complaint to add another charge to parallel whatever Oklahoma did and bring that all to hearing at a Board meeting in July. Mr. Earl agreed that if things go that way, then he would appear at a hearing in July and he understands that the time frame is going to get compressed for his ability to file an answer and response. Through the agreement of the parties, if the Oklahoma board takes serious action against Dr. Moon, the Board will be able to take action quickly to reach a decision as to what the Board thinks is appropriate.

**IX. CONSIDERATION/ACTION REGARDING REVISED WRITTEN COLLABORATING AGREEMENTS AND INITIAL AND RENEWAL APPLICATIONS FOR OSTEOPATHIC PHYSICIANS AND PHYSICIAN ASSISTANTS, (Discussion/For Possible Action) Ronald Hedger, D.O., President**

Dr. Hedger stated that this item was put on because we do have a notification form for DO's and PA's that has been in existence for quite some time; however, the statutes and regulations states that there will be a collaborating agreement on file with the Board. That will detail what the physician does, what the physician assistant does and so forth. We want to bring that all in compliance so that all PA's and DO's do have a collaborating agreement and that portion of the law is followed. Dr. Hedger asked that they have a collaborating agreement enforced and that there be a grace period for them to get into compliance with that form so we would have them on file. There was discussion about how the Board will enforce this collaborating agreement, how the notification will be sent to the physicians and physician assistants, and what will be included in the collaborating agreement. A motion was made by Dr. Hedger to mail a letter to the supervising physician and the physician assistant which has to be returned to us by this renewal season, as well as include a reminder with the renewal reminders to the physicians that if they are supervising a physician assistant they are required to have a collaborating agreement and failure to do that may result in a fine or sanction, seconded by Dr. Anthony; there was some discussion and approved by the Board. Ms. Longo reiterated that the other forms included in this agenda item were the new applications and the renewal application.

**X. EXECUTIVE DIRECTOR'S REPORT**

- a. Quick Books
- b. Licensing
- c. FSMB Interstate Licensure Compact – We are the ninth state that has entered into the FSMB Interstate Licensure Compact. Ms. Longo has been invited by FSMB attend a Press Conference in Washington, DC on June 24, 2015. The compact commission, who will be creating the bylaws, still needs to be elected.

**XI. LEGAL REPORT (Discussion/Action) by Louis Ling, Board Counsel and/or Sophia Long, Deputy Attorney General**  
No comment.

**XII. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA**  
No comment.

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

No comment.

***XIV. PUBLIC COMMENT***

Dr. Havins made a comment about the NV Business license information required on the renewal form.

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

**Approved at 08/11/15 Board meeting.**