



# NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

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

## ***BOARD MEETING***

***February 12, 2019 @ 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.  
Rick Almaguer, D.O.  
Samir Pancholi, D.O.  
C. Dean Milne, D.O.  
Paul Mausling, D.O.  
Swadeep Nigam, Public Member  
Carla Perlotto Ph.D., Public Member

Board Staff:

Sandra Reed, Executive Director  
Louis Ling, Esq., Board Counsel  
Wil Jarred

Public:

Susan Fisher

***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 JANUARY 8, 2018 [should read January 8, 2019] (Discussion/For Possible Action) Ronald Hedger, D.O., President***

Mr. Nigam made a motion to approve the minutes from January 8, 2018 [year incorrect]; and, seconded by Dr. Milne. There being no discussion, the minutes were approved by the Board.

**IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS , SPECIAL LICENSE OSTEOPATHIC PHYSICIANS AND TEMPORARY LICENSE 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.

<b>Osteopathic Physician Name</b>	<b>Specialty</b>
David John Acierto, D.O.	Internal Medicine
Darin Allred, D.O.	Orthopedic Surgery
Mark Conrad, D.O.	Family Medicine
Melanie Fox, D.O.	Anatomic Pathology
Henry Lok, D.O.	Family Medicine
Jed Lowe, D.O.	Internal Medicine
Justin Petrie, D.O.	Psychiatry
Michael Popov, D.O.	Psychiatry
Tarris Webber, D.O.	Internal Medicine
William Womack, D.O.	Family Medicine

**Special Licenses NRS.633.411:**

Shawn Catmull, D.O.	Kingman/Sunrise
Grayson Dart, D.O.	Kingman/Sunrise
Tristan McKenna, D.O.	Kingman/Sunrise

**Temporary License NRS 633.391**

Ruth Rodriguez, D.O.	Pediatrics
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Dr. Milne made a motion to approve the licensees as written; and, seconded by Mr. Nigam. There being no discussion, the Board approved licensure.

**V. EXECUTIVE DIRECTOR'S REPORT**

- a. Financial Statements – Included with the monthly financial reports is the quarterly compilation from the accountants.
- b. Licensing – Ms. Reed provided the status of the current CME audit of licensees.
- c. Proposed Deferral Agreement – Ms. Reed stated that a confidential complaint was filed with the Ethics Commission from a former or current employee, regarding expenditures reimbursed to her for the cost of overnight stays for her dog, while on work-related business. Ms. Reed obtained approval for this expenditure from the Board President. Ms. Reed reimbursed the Board for the funds expended. A deferral agreement has been initiated by the Commission, which will be reviewed and possibly approved later this month. If Ms. Reed meets the terms of the deferral agreement over the next two years, the complaint will be dismissed.
- d. Ms. Reed will meet with several legislators in Carson City in the near future to provide to them educational information about the Board.

**VI. LEGAL REPORT (Discussion/Action) by Louis Ling, Board Counsel and/or Rosalie Bordelove, Deputy Attorney General**

- a. *Ray v. NSBOM* – Discussion of case and potential authorization to expend funds to tender a defense (**For Possible Action**). Mr. Ling explained that the Board has been

- sued by former employee, Steve Ray, which was filed on January 14, 2018. Being a state entity, the Board must request representation from the Attorney General's Office to receive the benefits of our self-insurance. The Attorney General's Office is presently reviewing the lawsuit. The Board members are not individually named in the lawsuit. The allegations involve age discrimination and termination of employment. The Board has not yet taken action on the lawsuit and, will wait until the Attorney General comes to a decision regarding the representation of the Board. Mr. Ling asked for approval from the Board for expending funds to defend the Board in the lawsuit. Dr. Hedger made a motion to expend funds to tender a defense; and, seconded by Dr. Perlotto. There was some discussion, and approved by the Board.
- b. *Matter of Investigative Subpoena in Case No. PB1805006 - Discussion of matter and potential authorization to expend funds to initiate legal action to enforce subpoena (For Possible Action)*. Mr. Ling provided general information about the matter without disclosing the name of the licensee or other specific details. He requested authorization to expend funds to initiate legal action to enforce an investigative subpoena. Mr. Ling explained that the physician could not obtain medical records from his former employer. The Board served a subpoena on the business to obtain patient medical records and was refused. One attorney for the business initially stated that the records would be provided. However, the business hired a second attorney, who wrote the Board a letter stating that he was instructing his client to not comply with the subpoena. The attorney welcomed the Board to go to court to enforce the subpoena. Per statute, the Board is authorized to proceed to a district court. He added that the hearing should be short and inexpensive--not costing the Board more than \$5000.00. Dr. Hedger made a motion to approve to expenditure of the funds; and, seconded by Dr. Milne. There was some discussion, and the motion was approved by the Board.
  - c. Status update regarding the separate collection matters regarding Marian Orr, D.O. and a former employee. Mr. Ling stated that collections in the Dr. Orr matter are moving forward. Per the Controller's Office, the Board now has authority to independently pursue collections in the Dr. Orr matter. The other collection matter is moving forward and updates should be forthcoming in the near future.

**VII. *LEGISLATIVE UPDATE (Discussion /For Possible Action) by Susan Fisher, Board Government Affairs/Lobbyist – Various pending bills and bill draft requests related to the Board, its functions, its licensees, the public served by the Board and its licensees, and osteopathic medicine may be reviewed and the Board may take action related to such pending bills and draft requests.***

Ms. Fisher stated that Senator Hardy has a Bill Draft Request (BDR) requiring Continuing Medical Education credits for the application of Botox. That is under BDR 523, but the language has not yet been drafted. Ms. Fisher explained several BDRs that were introduced, including the Governor's bill to create an "Office of New Americans," in which there is a component where licensing boards are to provide information to assist immigrants with the licensing application process. There has been discussion about introducing a BDR relating to out-of-network billing. There is rumored to be another bill draft that will raise or remove the medical malpractice caps which were put in place by a vote of the people in 2004. A bill has been introduced to create a new board that would license, oversee, and require radiologic technicians to have specific training. The bill exempts osteopathic and medical physicians from being licensed under the new board; but it will impact physician assistants, who would need to be licensed by this new board.

**VIII. *ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA***  
No Comments.

**IX. *PRESIDENT'S REPORT on Board Business, Ronald Hedger, D.O., President***  
Dr. Hedger stated that he will be attending the Federation of State Medical Boards meeting in April. Two Board members and the executive director will attend as well.

**X. *PUBLIC COMMENT***  
No Comments.

Dr. Hedger made a motion to adjourn, seconded by Dr. Milne, and approved.

**Minutes approved by the Board on March 12, 2019.**