



**NEVADA STATE BOARD OF
OSTEOPATHIC MEDICINE**

******PUBLIC NOTICE******

BOARD MEETING

February 14, 2023 @ 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: 1-866-705-2554; Meeting Code: 226691#***

***** MINUTES *****

I. CALL TO ORDER (Discussion/ For Possible Action) Paul Mausling, D.O., President
Roll call to determine presence of a quorum. A quorum was present.

Board Members present:

Paul Mausling, D.O.
C. Dean Milne, D.O.
Swadeep Nigam, MSc, MBA, Public Member
Paul Janda, D.O.
Jaldeep Daulat, D.O.
Carla Perlotto, PhD

Board Staff present:

Frank DiMaggio, Executive Director
Carolyn Klein, Administrative Assistant
Richard Dreitzer, Esq., Board Counsel

Public:

Susan Fisher
Patrick Nuzzo, D.N.

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 10, 2023

(Discussion/For Possible Action) Paul Mausling, D.O., President

Dr. Milne made a motion to approve the meeting minutes from January 10, 2023; seconded by Mr. Nigam. There being no discussion, the meeting minutes from January 10, 2023, were approved by the Board.

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS AND PHYSICIAN ASSISTANTS (Discussion/ For Possible Action) Paul Mausling, 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.

<i>Osteopathic Physician Name</i>	<i>Specialty</i>
<i>Eric Chang, D.O.</i>	<i>Internal Medicine</i>
<i>Charles Cullison, D.O.</i>	<i>Emergency Medicine</i>
<i>Carol Haase, D.O.</i>	<i>Family Medicine</i>
<i>Sheridan Major-Moore, D.O.</i>	<i>Family Medicine</i>
<i>Peter Martin, D.O.</i>	<i>Family Medicine</i>
<i>Jasmine Omrani, D.O.</i>	<i>Pediatrics</i>

<i>Physician Assistant Name</i>	<i>Supervising Physician</i>
<i>Shaun-Anthony Samson, PA-C</i>	<i>Active-Not Working</i>

Dr. Milne made a motion to approve the licenses for the applicants as written above; seconded by Mr. Nigam. There being no discussion, the Board approved licensure for the applicants as written above.

V. DISCUSSION/CONSIDERATION/ACTION TO PROVIDE COMMENTS TO FSMB REGARDING DRAFT OF STRATEGIC PLAN AND REPORT (Discussion/For Possible Action) Paul Mausling, D.O., President

The Board has no comments regarding the FSMB Draft of Strategic Plan and Report.

VI. DISCUSSION/ACTION TO APPROVE ATTENDANCE OF BOARD MEMBERS AT THE 2023 FSMB ANNUAL MEETING ON MAY 4-6, 2023 (Discussion/For Possible Action) Paul Mausling, D.O., President

Dr. Perlotto, Mr. Nigam and Dr. Daulat all stated that they are available to go to the 2023 FSMB annual meeting. Dr. Mausling wanted to know if it was paid for in the past by the Board. Per Executive Director Frank DiMaggio, it will be paid for by the Board and by some scholarships provided by FSMB and the Board needs to designate the voting member. Executive Director Frank DiMaggio stated that the Board President is automatically a voting member and, in the absence of the Board President, the Board President is to select one of the other Board member attendees to serve as the voting member. Dr. Perlotto was the voting member last year. Dr. Mausling stated he will know within the next couple of weeks if he is able to attend and if he is not, he asked Dr. Perlotto if she would like to be the voting member. Dr. Perlotto said she would be happy to do it if no other Board member was willing to do so.

VII. EXECUTIVE DIRECTOR'S REPORT

- a. Financial Statements- Executive Director Frank DiMaggio stated that the financial statements have been distributed. The only items that needed to be addressed was on the second page of the quarterly balance statement as of December 21, 2022, which lists a “right of use asset” and “deferred outflows”. Executive Director Frank DiMaggio sent an email to the accountant for further explanation of those two terms. He was advised that a “right of use asset” has to do with new lease accounting standards; and that “deferred outflow” has to do with PERS and is offset with a deferred inflow account. Dr. Perlotto mentioned that the Board has more money than last year and that is including waiving the new license fees for DO's and PA's. Per Executive Director Frank DiMaggio that program is seemingly not having any effect on the Board financially.
- b. *Licensing*-Executive Director Frank DiMaggio stated that 126 licensees entered their renewal late, 37 licensees expired, and 35 licensees are still late and or pending CME audit.
- c. *Comments*-No comments.

VIII. LEGAL REPORT (Discussion/For Possible Action) by Richard Dreitzer (Fennemore Craig, LLC) Board Counsel

Mr. Dreitzer stated that he met with Executive Director Frank DiMaggio to discuss all active matters and there are several matters that are on the verge of being presented to the Board for consideration. There is a complaint that is sizable that Mr. Dreitzer is currently working on.

IX. DISCUSSION/CONSIDERATION/ACTION REGARDING EXECUTIVE ORDERS 2023-003 AND 2023-004 (Discussion/For Possible Action) Paul Mausling, D.O., President

Mr. Dreitzer stated that the Governor wants to streamline the administrative process and make it more business friendly. The Governor's executive orders require all Boards and Commission is to come up with a selection of at least ten different regulations that are needless and create obstacles for someone to obtain licensure rather than for other legitimate purposes. The Governor does not want to sacrifice patient care or safety. Mr. Dreitzer and Executive Director Frank DiMaggio discussed the order and have come up with ten regulations. These ten regulations will have to go through the workshop process and be submitted to the Governor by April 1, 2023, to comply with the Executive Order. Per Executive Director Frank DiMaggio the deadline is May 1, 2023, and workshops done by April 1, 2023. Dr. Perlotto asked if the Board will be receiving the list of proposed deleted regulations. Per Executive Director Frank DiMaggio, Mr. Dreitzer has given him a list and made suggestions. Seven of the ten regulations have to do with the administrative hearings, which in some measure duplicate certain provisions of chapter 233B and 622A with which the Board is already required to comply. Two of the regulations NAC 633.273 and NAC 633.274 deals with special licensing for doctors working in a mental health facility or correctional facility. The last one is NAC 633.380. Mr. Dreitzer stated he will put a document together before the workshop to send to the Board.

Executive order 2023-004 states the Board must suspend the creation of any new regulations. The Board must provide report to the Governor by April 1, 2023, detailing all regulations that restrict entry to any occupation or profession. It also states that if there are not at least twenty-six states that are regulating the profession, then there will need to be some kind of justification of why the Board is needed. Dr. Perlotto asked what is considered a restriction on entry and Mr. Dreitzer responded that he believes it may deal with foreign trained professionals.

Executive Director Frank DiMaggio added that the original executive order says to the extent that an occupation or profession is currently licensed in Nevada but not subject to license in the majority of States, licensure shall be presumed unnecessary and the Board shall provide a recommendation for phasing out such licensing requirements by July 1, 2023.

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

Ms. Fisher updated the Board regarding Assembly Bill 120 which is Assemblyman Hafen's bill that revises certain provisions governing voluntary health care services. The current statute has a provision that prohibits the provider who has not actively practice his or her profession continuously for the immediate proceeding three years from providing the voluntary health care service. This bill will remove that one prohibition. The provider still can only provide services that are within their scope of practice. This bill is not yet scheduled for hearing.

Ms. Fisher also spoke on Assembly Bill 124 which is being introduced by Assemblywomen Melissa Hardy. This bill is related to the CME audit, Executive Director Frank DiMaggio has been providing information to Ms. Fisher for the upcoming hearing on that bill.

Ms. Fisher also discussed Assembly Bill 153 which would establish a new license under the Board of Osteopathic Medicine for naprapathic medicine. Ms. Fisher stated that Patrick Nuzzo, DN, who is a naprapathic doctor, wrote a letter to the Board and is on the phone to speak and answer questions for the Board. Per Dr. Mausling, Dr. Nuzzo would have to speak during the upcoming public comment section of the meeting.

XI. *DISCUSSION/CONSIDERATION/ACTION REGARDING LEGISLATIVE BILLS, (Discussion/For Possible Action) Paul Mausling, D.O., President*

a. AB120

Ms. Fisher stated that the Board has not yet talked about establishing a process to determine whether or not the Board will be neutral, supportive or opposing bills. Ms. Fisher suggested forming a legislative committee is to provide information to the Board about legislative bills.

XII. *ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA*

The Board approved adding the possible establishment of a Legislative Committee to the agenda for March 14, 2023. Mr. Dreitzer suggested adding Assembly Bill 153 regarding naprapathic medicine to the agenda for March 14, 2023, and all Board members agreed.

XIII. *PRESIDENT'S REPORT on Board Business, Paul Mausling, D.O., President*

No comments.

XIV. *PUBLIC COMMENT*

Dr. Patrick Nuzzo, DN, spoke on Assembly Bill 153. Dr. Nuzzo stated that naprapathic medicine started alongside chiropractic and osteopathic medicine in the early nineteen hundreds. He stated that Dr. Oakley Smith and Dr. Daniel David Palmer, who is considered the founder of modern chiropractic medicine, worked together. Smith founded the field of naprapathy and through extensive research with Palmer, Smith determined the subluxation theory was incorrect. Dr. Nuzzo stated that naprapathic medicine is licensed and regulated in New Mexico under the New Mexico Medical Board. After speaking with Dr. Shelley Berkley, a Dean at Touro University in Nevada, Dr. Nuzzo decided he wanted to work with the osteopathic board because the origins are the same as naprapathic medicine and felt a naprapathic physician could help with relieving the patient load for osteopathic doctors.

Dr. Nuzzo stated that the first accredited school for naprapathic medicine was in New Mexico. Dr. Nuzzo has been a naprapathic doctor for forty years and went to New Mexico in 2000 to introduce the naprapathic practice there. He said it took four legislative sessions without a lobbyist to get signed into law, making it possible for naprapaths to practice medicine in the state of New Mexico. The first school to open in New Mexico was in 2010 and graduated the first class in 2014. After the graduating class in 2015, Dr. Nuzzo petitioned for accreditation and was approved in 2016.

Dr. Mausling opened public comment for any questions regarding Assembly Bill 153 and Dr. Nuzzo's comments. Dr. Milne wanted to know if Shelley Berkley wanted to add naprapathic medicine to Touro. Dr. Nuzzo stated that was a possibility; as of right now, they are looking into space that is adjacent to Touro. Dr. Milne wanted to know if the chiropractic board or the acupuncture board was asked to assume licensing and regulation of the naprapathic profession. Dr. Nuzzo stated he has reached out to the osteopathic and physical therapy boards first. Dr. Perlotto wanted to know what the physical therapy board said about taking on naprapaths. Dr. Nuzzo stated that the physical therapy board was supportive. Ms. Fisher stated that she spoke with Dr. Nuzzo's contracted lobbyist with whom she works very well. She said Dr. Nuzzo had sent the Board an email/ letter in late January 2023, but it did not mention putting naprapathic medicine under the osteopathic medical board. The bill provides that a naprapathic advisory board be created and report up to the osteopathic board. Ms. Fisher stated that it does not require to change the structure of the osteopathic board or to put a naprapath on the osteopathic board. Dr. Nuzzo stated that a naprapathy is not on the New Mexico Medical Board but they are an advisory board. Dr. Mausling asked what impact this bill would have on the osteopathic board and Ms. Fisher stated that the impact would be in the areas of licensing, checking CME's, and anything the Board does for osteopathic physicians and physician assistants the Board would also be doing for naprapathic physicians. Dr. Mausling wanted to know how the osteopathic board would be qualified to determine qualifications for licensure for a naprapathic physician when they are not a part of their schooling. Dr. Nuzzo stated in New Mexico the advisory board does the licensing and here in Nevada they would advise the osteopathic board on licensees' applications. The bill creates a new licensing structure in Nevada for naprapaths that the Board does not already have and will require the Board to develop regulations. Mr. Nigam wanted to know which legislator is associated with this bill. Ms. Fisher responded that the bill sponsor is Assemblywoman Elaine Marzola who is the Chair of the Assembly's Commerce and Labor Committee. Dr. Janda asked what would happen if the osteopathic board opposes this bill. Ms. Fisher stated that if the osteopathic board decides to oppose this bill, she would express that to the committee and explain why that is. Ms. Fisher asked the Board not to make a decision on this bill at this meeting but to take time and look it over. Mr. Dreitzer informed the Board to consider putting the bill of the next meeting agenda so as to avoid a possible Open Meeting Law violation. Ms. Fisher also suggested that the Board should consider possibly establishing a Legislative Committee. The Board agreed to place those matters on the next meeting agenda.

XV. ADJOURNMENT (For Possible Action) Paul Mausling, D.O., President

Dr. Mausling made a motion to adjourn; motion was seconded by Mr. Nigam. There being no discussion, the motion carried, and the meeting was adjourned.

Minutes approved by the Board at the March 14, 2023 Board Meeting.