

NSBOM NEWSLETTER

Nevada State Board of Osteopathic Medicine, 901 American Pacific Dr., Suite 180, Henderson, NV 89014

January, 2011 Volume 4

What you need to know about our laws . . .

NRS CHAPTER 633:

The 76th Session of the Nevada Legislature will be commencing within a matter of a few weeks. As of January 12, 2011, there were 943 bill draft requests submitted to the Legislative Counsel Bureau. There were 93 Assembly Bills and 88 Senate Bills. These Bills can be viewed on the Legislature's website, www.leg.state.nv.us.

Although the Legislature's main attention and efforts will be directed to the State's budget shortfalls, many of these bills will impact this Board as well as many other health care boards-agencies-commissions.

The Board will have a presence in Carson City as well as in Las Vegas, assuring that the Board's and its licensed osteopathic physicians' interests are protected. As a matter of fact, the Board has submitted a bill to the Legislature for revisions to NRS chapter 633.

Our June 2011 newsletter will contain a summary of all changes in the law applicable to osteopathic physicians and their physician assistants.

NAC CHAPTER 633:

Just as a reminder, you can find the Nevada laws pertaining to osteopathic physicians and physicians' assistants on the Board's website, www.bom.nv.gov. In a continuing effort to assist the Board's licensees, you will find an unofficial version of NAC chapter 633 on the website. This version contains the 2007 and 2009 revisions to the regulations. These revisions have been adopted by the Board and approved by the Legislative Commission. The Legislative Counsel Bureau has simply not yet assigned section numbers to certain of the regulations, but they are in full force and effect.

If you wish to view other applicable statutes and regulations, they can be found on the Legislature's website, www.leg.state.nv.us.

REMINDER: NAC 633.260 HAS BEEN CHANGED !! Each person who holds a license to practice osteopathic medicine in this State shall: (a) file with the Board his proper and current mailing address; and (b) notify the Board in writing of any change in his address within 30 days after the change. The notification must provide both his old and his new mailing address.

Also, each person who holds a license to practice osteopathic medicine in this State and who intends to close his or her osteopathic medical practice shall notify the Board in writing at least 30 days before closing the practice. The notice must specify: (a) the person who or facility that will maintain the health care records of the person's patients for the period required by NRS 629.051; and (b) how the patients of the osteopathic medical practice were notified of the closure of the practice.

Failure to comply with the requirements of this section in a timely manner is a ground for initiating disciplinary action pursuant to NRS 633.511.

Do you supervise a PA-C or an APN?

- All physician assistants and their supervising physicians MUST sign a supervising agreement form and mail it into the Board office.
- It is IMPERATIVE that a collaborating agreement form be completed and sent into us for all APNs.
- Physicians will be required to sign a letter stating they are compliant with NRS 633.469 regarding requirements of supervision.

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NSBOM BOARD MEMBERS

Daniel K. Curtis, D.O.,

Chairman;

C. Dean Milne, D.O.,

Vice-Chairman;

Paul Kalekas, D.O.,

Secretary/Treasurer; and

S. Paul Edwards, Esq.

Rota Rosaschi, MPA

James Anthony, D.O., J.D.

Richard Almaguer, D.O.



Dianna Hegeduis, Esq.

Executive Director/Board Counsel

Barbara Longo

Deputy Executive Director/Chief

Of Enforcement

MORE ABOUT OUR BOARD & STAFF

At its January 2011 Board Meeting, the Board reappointed Dr. Daniel K. Curtis as the Board's President; Dr. C. Dean Milne as the Board's Vice President; and Dr. Paul Kalekas as the Board's Secretary-Treasurer.

Dr. Scott Manthei's term expired on June 30, 2010 and Dr. Richard Almaguer became our newest Board Member (more about him on the 2nd page). The Board wishes to recognize the dedication and hard work by Dr. Manthei during his time on the Board. As a matter of fact, each of the Board Members are hard at work fulfilling their obligations to the Board and the citizens of this State. Check out our statistics mentioned in this Newsletter. *Continued on next page*

Our new Board Member is Dr. Richard Almaguer. He was raised in Missouri. His father, Dr. Jose Z. Almaguer, was a dentist in a small town called Knob Noster. Our Dr. Almaguer is one of nine children.

He received his B.S. and M.S. degrees from Central Missouri State University (now University of Central Missouri) in Warrensburg, Missouri. After college, he worked as an engineering consultant and pharmaceuticals salesman. At 36 years-old, he decided to enter the Kirksville College of Osteopathic Medicine and graduated in 1996. He completed his internship and residency at Suncoast Hospital in Largo, Florida, and completed training in June of 1999. Thereafter, he was recruited by Northeastern Nevada Regional Hospital in Elko, Nevada, and opened his practice in Elko in July of 1999.

He has been married for 27 years to his lovely wife, Debbie, and they have three children: Britney, 24, now residing in Boston and working as a Production Coordinator for a Photo-Stylist; Nathan, 21, currently a student at USC majoring in Film; and Kelsi, 12, a 7th grader and an aspiring singer.

Dr. Almaguer's interests include running, playing blues guitar, and spending time with his family. In addition to running his private practice in Internal Medicine in Elko, Nevada, he is involved in a Hospitalist program that he established at the Northeastern Nevada Regional Hospital in 2010. He also serves as County Health Officer and Medical Director of the Elko County Jail.

In addition to his involvement with this Board, he is a member of AOA, NOMA, and FOMA, having served as a member of the Board of Trustees for NOMA for two years. Dr. Almaguer is also licensed in Tennessee. Welcome aboard!

So what has your Board been doing lately . . .

The statistics are contained on this page and indicate we have not been greatly impacted by the sluggish economy and are still showing signs of a more active Board.

Also, please note that our board meetings are now being conducted on the 2nd Tuesday of each month.

NOTE FROM NOMA:

NOMA now offers two formats for category 1A CME in Nevada; i.e., a traditional five-day, 30 hour winter conference and a series of One Day, 10 hour courses in Las Vegas. The first of 2011 will be held April 29-30, 2011 at the Springs Preserves and will include the NOMA Annual Meeting and Installation of Officers as well as the CME Program. Additional One Day programs will be provided on Saturdays in August and September. Plans are also underway for a Saturday program in Reno. Check our website www.nevadaosteopathic.org or contact the NOMA office at (702) 434-7112 for more information.

NOMA will be at the Nevada State Legislature full time from February 7 until June 6, 2011. There are many medically related issues that are slated to come before the legislature. The Association is the voice of the profession on these important issues.

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HAVE YOU HEARD?

Check out the following stats pertaining to our Board's licensees per fiscal year (July 1 through June 30th):

Licenses	2000	2008/09	2009/10	2010/2011
D.O.	99	737	742	756
P.A.	30	58	58	57
Special	24	135	198	173
Inactive	0	50	65	73

And our staff has been busier than ever (per calendar year):

Discipline	2008	2009	2010	2011 (1 month)
Settlements	2	32	72	4
Hearings	0	1	0	0
License Surrender	1	1	1	0
License Suspension	0	1	2	0
License Denial	1	1	0	0
Public Reprimands	1	2	0	0
Private Letters of Warning			74	0
Probation			1	0

(Please note, the Board was only given the authority to write private letters of warning by the 2009 Legislature.)

As of January 7, 2011, 768 reminders were mailed to osteopathic physicians re: renewal for 2011. To date, 712 D.O.s renewed, 13 D.O.s allowed their licenses to expire, and 16 went into inactive status. For physician assistants, 62 reminders were mailed. To date, 49 renewed their licenses and 9 allowed their licenses to expire. Licenses expire on December 31; thereafter, late fees are assessed. After notice, the osteopathic medical license will be administrative revoked due to non-renewal.

WHAT YOU REALLY NEED TO KNOW ABOUT MEDICAL RECORDS: NRS 629.051

1. Except as otherwise provided in this section and in regulations adopted by the State Board of Health pursuant to NRS 652.135 with regard to the records of a medical laboratory and unless a longer period is provided by federal law, each provider of health care shall retain the health care records of his or her patients as part of his or her regularly maintained records for 5 years after their receipt or production. Health care records may be retained in written form, or by microfilm or any other recognized form of size reduction, including, without limitation, microfiche, computer disc, magnetic tape and optical disc, which does not adversely affect their use for the purposes of NRS 629.061. Health care records may be created, authenticated and stored in a computer system which limits access to those records.
2. A provider of health care shall post, in a conspicuous place in each location at which the provider performs health care services, a sign which discloses to patients that their health care records may be destroyed after the period set forth in subsection 1.
3. When a provider of health care performs health care services for a patient for the first time, the provider of health care shall deliver to the patient a written statement which discloses to the patient that the health care records of the patient may be destroyed after the period set forth in subsection 1.
4. If a provider fails to deliver the written statement to the patient pursuant to subsection 3, the provider of health care shall deliver to the patient the written statement described in subsection 3 when the provider next performs health care services for the patient.
5. In addition to delivering a written statement pursuant to subsection 3 or 4, a provider of health care may deliver such a written statement to a patient at any other time.
6. A written statement delivered to a patient pursuant to this section may be included with other written information delivered to the patient by a provider of health care.
7. A provider of health care shall not destroy the health care records of a person who is less than 23 years of age on the date of the proposed destruction of the records. The health care records of a person who has attained the age of 23 years may be destroyed in accordance with this section for those records which have been retained for at least 5 years or for any longer period provided by federal law.

AS A REMINDER ABOUT THAT "PESTY" REPORTING STATUTE (NRS 633.527) . . .

Physicians are required to report to the Board when they are served with a summons and complaint in a medical malpractice case, as well as report any type of a disposition of that lawsuit, and whether that matter is referred to mediation or arbitration. Licensees are mandated to report such information within 45 days. Physicians may be fined up to \$5,000 per violation of this statute. The Board has asked the 2011 Legislature to amend this statute to include the requirement that P.A.s notify us as well about such events in medical malpractice cases.

Questions for the licensees?

In order to bring disciplinary actions against our licensees, we need expert witnesses and expert witnesses are rather costly. Do you have the time and desire to help your Board in such cases? If so, please contact the Board at your convenience.

What else should the Board be doing to assist our licensees? What else should be in the Newsletter? We would appreciate your feedback. Email us and let us know your thoughts.