

# **PUBLIC NOTICE**

## **General Meeting**

### **NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

**at**

**Airport Plaza Hotel**

**1981 Terminal Way**

**Reno, Nevada**

**April 1, 2006 at 9:00 am**

**NOTICES POSTED:** Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701; Board of Homeopathic Medical Examiners, 3626 Pecos McLeod, Ste. 5, Las Vegas, NV 89121; The Nevada Clinic, 3663 Pecos McLeod Int., Las Vegas, NV 89121; Sierra Integrative Medical Center, 380 Brinkby Ave., Reno, NV 89509; Nevada Integrated Chiropractic, 3777 Pecos McLeod Int., Las Vegas, Nevada 89121; and Bio Health Center, 615 Sierra Rose Dr., Ste. 3, Reno, NV 89511.

#### **NOTES:**

Any reference to NRS 241.030 is to comply with the Nevada Open Meeting Law. NRS 241.030(1) states in relevant part: Nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person. If an applicant, a licensee or a person from the public, requests Board members abstention based upon a conflict of interest, they must state their objection on the record before any discussion of the particular item.

The Board welcomes public comment. Public comments may be heard at the discretion of the presiding officer only when that item on the agenda is reached and will be limited to five (5) minutes per person. The President may allow additional time to a given speaker as time allows and in his/her sole discretion. The Board may address agenda items out of order to aid in the efficiency or effectiveness of the meeting and/or accommodate persons appearing before the Board, applicants, Board members and staff. Public comments shall be allowed where specifically stated in the agenda, but may be allowed on specific agenda items, in the discretion of the President.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify in writing to the Nevada State Board of Homeopathic Medical Examiners, 3626 Pecos McLeod Ste. 5, Las Vegas, NV 89121, or phone Mary Lou Heacock, Executive Director, at (702) 451-3332, as soon as possible.

Board Members: David Edwards, MD, HMD, President; W. Brent Hardy, Vice President; Fuller Royal, MD, HMD, Secretary-Treasurer; Diane Kennedy; Valerie Kilgore; Greg Fihn, DO, HMD; Daniel F. Royal, DO, HMD, JD; Deputy Attorney General: Ned Reed; Executive Director: Mary Lou Heacock

## AGENDA

- |     |  | <b>Time<br/>(Est)</b>             |
|-----|--|-----------------------------------|
| 1.  | Call to order, roll call and determination of a quorum.  |                                   |
| 2.  | Welcome all visitors; all visitors <u>must sign in and identify themselves.</u>  |                                   |
| 3.  | Approval of today's (April 1, 2006) agenda.  | <b>Discussion/Action</b> 2 min    |
| 4.  | Set time for meeting adjournment.  | <b>Discussion/Action</b> 2 min    |
| 4A. | President's Report   | <b>Discussion</b> 5 min           |
|     | Committee reports<br>Mr. Ned Reed, DAG<br>Additional Comments  |                                   |
| 5.  | Policy Manual Committee.   | <b>Discussion/Action</b> 10 min   |
|     | <b>Resolution 1.</b> The Board adopt the policy manual with included bylaws as the official policy and bylaws of the Board as written by the Committee.  |                                   |
| 6.  | Review and approval of Minutes:  | 15 min                            |
|     | A. January 22, 2005  | <b>Discussion/Action</b>          |
|     | B. June 3, 2005 (approved June 16, 2005)   | <b>Discussion/Action</b>          |
|     | C. June 16, 2005 (approved July 23, 2005)  | <b>Discussion/Action</b>          |
|     | D. July 23, 2005 (approved Sept. 9, 2005)  | <b>Discussion/Action</b>          |
|     | E. July 23, 2005 Workshop hearing  | <b>Discussion/Action</b>          |
|     | F. September 9, 2005 (approved Sept.30, 2005)  | <b>Discussion/Action</b>          |
|     | G. September 30, 2005  | <b>Discussion/Action</b>          |
|     | H. December 20, 2005   | <b>Discussion/Action</b>          |
|     | I. January 21, 2006  | <b>Discussion/Action</b>          |
|     | D. January 26, 2006  | <b>Discussion/Action</b>          |
|     | E. February 9, 2006  | <b>Discussion/Action</b>          |
|     | F. February 16, 2006   | <b>Discussion/Action</b>          |
| 7.  | <b>Dr. Phillip Minton:</b> review request for reactivation of his HMD license.   | 15 min                            |
|     | A. Vote on whether to proceed in closed session. Closed session is allowed to consider the character, alleged misconduct, professional competence, or physical or mental health of a person. NRS 241.030 (1) | <b>Discussion/Action</b>          |
|     | B. Open Session- Vote on whether to accept or reject any recommendations of the Board members with respect to reactivation of Dr. Minton's HMD license.  | <b>Discussion/Action</b>          |
| 8.  | <b>David Steenblock, D.O.:</b> Review of application and continuation of licensing process; examine qualifications without limitations, including NRS 630A.240 (1) (c); interview the applicant.             | 10min<br><b>Discussion/Action</b> |
| 9.  | <b>Bruce Fong, D.O., H.M.D.</b> Supervising statement and Protocol for;  | 5 min                             |
|     | A. Victoria de los Santos, A.P. H.   | <b>Discussion/Action</b>          |

10. **Robert Eslinger, D.O., H.M.D.** Consideration for approval of supervising statement and Protocol for: 5 min

A. Babette Clough, A.P.H. **Discussion/Action**

B. Jorge Galicia, H. A. **Discussion/Action**

11. **Gary Baxter:** Due to religious beliefs the applicant will not take exam on a Saturday. Applicant is requesting for accommodations. **Discussion/Action** 5 min

12. **Nevada Institutional Review Board (NIRB):** President Dean Friesen to report to the Board pursuant to NRS 630A.900 (2) and 630A.905 (4) (5). **Discussion/Action** 10 min

13. **NVBHME Standing Committee reports:**

**A. Financial Committee:** Diane Kennedy, Chair 20 min

Discussion of AG's bill and balance on BHME account;

Discussion of tax exempt status of the BHME;

The Committee unanimously recommends that the Board consider adopting the following three resolutions: **Discussion/Action**

**Resolution 1.** The Board adopt an NAC 630A regulation that all costs incurred by this board and the Standing NIRB Committee generated by or related to conducting business dealing in any and all manner with the NIRB be billed to and reimbursed to the Board by the NIRB, including Attorney General's fees, LCB fees, any and all additional legal fees and costs to the BHME for meetings of the Standing NIRB Committee and/or the Board related to supervising, approving and regulating the NIRB;

**Resolution 2.** The Board adopt a motion to rescind motion previously adopted action at the meeting held on 16 June 2006 to reimburse the personal expenses of Drs. Dan Royal and Dean Friesen involving passage of AB 208;

**Resolution 3.** The Board adopt a motion making the Financial Committee a Standing Committee of the Board;

The Committee unanimously recommends that the board consider adopting the following resolution:

**Resolution 4.** The Board adopt the following fees and mandatory assessments with the amounts for each, with the exception of the renewal registration fees listed and the deposit required for special services and those billed at cost, to be determined by fiscal analysis of the Secretary-Treasurer and Executive Director following the LCB audit and then approved by the Board.

**Discussion/Action**

1. For special services requested of the Board or requests for the Board to convene a special Board or special Committee meeting, the actual costs must be paid to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting. A deposit of \$500 must be paid in advance. Amounts received for the special service in excess of the deposit will be refunded;

2. The following fees shall be adopted by the Board. The following mandatory assessments shall be adopted by the Board and may be assessed by the Board to cover expenses not covered from licensing, certification or annual renewal registration fees:

- a) Increase the annual renewal registration fee for HMD... \$600
- b) An annual renewal registration fee for AHP certificate.. \$300
- c) An renewal registration fee for HA certificate ..... \$200
- d) Executive Director assessment (HMD licensees only);
- e) Debt reduction assessment (HMD);
- f) Debt reduction assessment (AHP);
- g) Debt reduction assessment (HA);
- h) Board office operations expense assessment;
- i) Legislative consultant assessment (HMD Licensee only)
- j) Biannual Board registrant information report fee; and
- k) Board website listing and maintenance assessment.

3. For Board mandated or required licensee and certificate holder compliance audit and survey (in addition to Board and auditor expenses);

4. For any and all expenses incurred by the Board, Board auditor or Board committee related to Board or committee mandates relating to an applicant, licensee or certificate holder outside of regularly held Board or Committee meetings;

5. Costs will be charged to parties by the Board office for special services provided by the Executive Director and Board office staff for the following, without limitation: providing copies (60¢ per page) of past agendas, minutes, and recordings of Board or Committee meetings; conducting research for documents pertaining to Board business prior to the previous calendar year.

**B. NIRB Standing Committee, Diane Kennedy, Chair: Discussion/Action 20 min**

**Resolution 1.** The Board adopt into the formal record the LCB opinion written by Kevin C. Powers, Senior Principal Deputy of the Legislative Counsel Bureau for Senator Sandra Tiffany dated February 9, 2006.

**Resolution 2.** The Board supervise the Nevada Institutional Review Board (NIRB) by adopting NAC 630A regulations.

**Resolution 3:** The Board adopt the new NAC 630A regulations as adopted and approved by the NIRB Committee to regulate and supervise the NIRB.

**Resolution 4:** The Board adopt a policy that all future business pertaining to the NIRB, excluding appointment of NIRB Board members, be referred to the Standing NIRB committee and that the NIRB committee be granted full power to act in regards to business pertaining to the NIRB.

**Resolution 5:** The Board formally adopt the NIRB Committee’s edited text of the pending NIRB NAC 630A regulations.

**Resolution 6:** The Board formally adopt that the Secretary/Treasurer of the BHME shall serve on the NIRB as our fiduciary member of the NIRB as one of our four appointments;.

**Resolution 7:** The Board adopt the letter included from the Chair of the Committee to all NRS 629 Healing Arts Boards to inform them of the NIRB and advise them that any licensee under their respective NRS chapters may forward their professional credentials to the NIRB Standing Committee for consideration for appointment to the NIRB.

**Resolution 8:** The Board adopt that no member of the BHME but our fiducucairy , the Secretary/Treasurer of the BHME serve on the NIRB as one of our appointees.

**Resolution 9:** The Board immediately direct the NIRB to terminate its website until it can be re-written as approved by the NIRB committee.

**C. NAC 630A Standing Committee:** Bruce Fong, Acting Chair 10 min  
**Discussion/Action**

**Resolution 1.** The Board approve the recommended additions, changes and deletions to NAC 630A as presented by the NIRB Committee.

**Resolution 2.** The Board approve the recommended additions and deletions to NAC 630A as presented by the Financial Committee.

**Resolution 3.** The Board approve the recommended additions and deletions to NAC 630A from the Standing NAC 630A Committee.

**D. Legislative Standing Committee:** Brent Hardy, Chair **Discussion/Action** 5 min

**E. Complaint Committee:** Daniel Royal, Chair **Discussion/Action**

**F. Education Committee:** David Edwards, Chair **Discussion/Action**

14. **NVBHME Ad Hoc Committee reports:** 1 min

**A. NIRB Regulations Ad Hoc Committee:** David Edwards

15. The Board consider appointing from the following candidates interviewed by the NIRB standing Committee for appointment to the NIRB. The reason for this is due to inherent conflicts of interest with this Board, the unapproved appointment and/or the continued inability of the current BHME appointed NIRB members to communicate and/or cooperate with this Board, demonstrating an absolute lack of understanding of the clear language in AB 208. 10 min

**Discussion/Action**

**1) The Secretary-Treasurer of the Board; Fuller Royal, MD HMD**  
**Discussion/Action**

**2) Bruce Fong, DO, HMD;** **Discussion/Action**

**3) Earlene Forsythe, RN, AHP;** **Discussion/Action**

- 4) **Babette Clough, RN, AHP** **Discussion/Action**
- 5) **Roger Belcourt MD MPH;** **Discussion/Action**
- 6) **Warrin H Evins, MD, PHD;** **Discussion/Action**
- 7) **Valerie Perez; and** **Discussion/Action**
- 8) **Daniel Royal, DO, HMD.** **Discussion/Action**
16. **Response to Feb. 9, 2006 letter from Senator Michael Schneider;** Feb. 9, 2006 10 min  
 Agenda destruction of audio recording of part of the meeting wherein Senator Schneider addressed the Board (NRS 241.035 (4)); draft of the Board's written response; 3/16/06 letter of Senator Schneider to LCB **Discussion/Action**
17. **Consider requiring all applicants** for licensure/certification to sign a waiver in 5 min  
 compliance with NRS 241.030 (1) prior to being allowed to take the written and oral examination; decision regarding whether to go into closed meeting to interview and question applicants after completion of the written examination . **Discussion/Action**
18. **Board Agenda Items:** procedure for accepting or rejecting items submitted by 10 min  
 Board members, and the public. **Discussion/Action**
19. **Media and Public Liaison Representative** **Discussion/Action** 5 min
20. **Dr. Daniel Royal's** request for Homeopathic Board Office policy and procedures 5 min  
 for handling public inquires and physician referrals; Dr. Dan Royal requests a summary as to how the public inquires are being handled, statistical breakdown as to where physician referrals have been made for the months of December 1, 2005 through April 1 2006, and the decision making process used for making referrals. **Discussion/Action**
21. **Dr. Daniel Royal** seeks to determine authority and accountability Mr Michael 5 min  
 Weber is to have in regards to his role with the Board, Attorney General's office and the public **Discussion/Action**
22. **Fuller Royal:** Need to conserve and limit use of Board assets in light of the LCB 10 min  
 audit and mounting legal bills with the Office of Attorney General; way to limit and control the Board's excessive legal activities with the Office of Attorney General. **Discussion/Action**
23. **Discussion of the Executive Director position** **Discussion/Action** 5 min
24. **Vice President report** **Discussion/Action** 5 min
25. **Secretary-Treasurer report:** **Discussion/Action** 15 min  
 A. Audit by Legislative Counsel Bureau's Audit Division (report);  
 B. Response from Healing Arts Boards to letter requesting suggested persons for appointment to NIRB;  
 C. Interlocal agreement with NIRB; and  
 D. Review of finances and budget.

- |     |   |                          |        |
|-----|---|--------------------------|--------|
| 26. | <b>Executive Director report;</b> number of calls received for physician referrals; number of complaints received since January; public availability and access to the office; response time for returning phone calls; possible need for greater availability. | <b>Discussion/Action</b> | 10 min |
| 27. | <b>Old Business</b>   | <b>Discussion/Action</b> | 5 min  |
| 28. | <b>Public Comment</b>   | <b>Discussion</b>        | 15 min |
| 29. | <b>Announcements, next meeting</b>  | <b>Discussion/Action</b> |        |
| 30. | <b>Adjournment</b>  | <b>Discussion/Action</b> |        |

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Secretary-Treasurer

Date: