

Regular Board Telephone/Conference Meeting
**NEVADA STATE BOARD
OF
HOMEOPATHIC MEDICAL EXAMINERS**

Thursday, November 16, 2006 at 5:00 p.m.

MINUTES

Agenda Items

1. Valerie Kilgore, Vice President opened the meeting in the absence of the President. The roll call revealed a quorum of members present, and the meeting was called to order at 5:06 p.m. Those present were:

Board Members Present:

Reno: Valerie Kilgore, Vice President; John La H.O. LaGatta; Nancy Eklof, Executive Director; Ned Reed, Deputy Attorney General.

Las Vegas: Fuller Royal, Secretary-Treasurer.

Warrenville, Illinois: Bruce Fong

Board Members Absent:

Reno: Diane Kennedy

Las Vegas: Daniel F. Royal

Visitors:

Reno: Jimmy Flynn

Las Vegas: Marie Royal, Mary Lou Heacock, Greg Olson, MD, APH, Charles Green

President Kilgore declared the meeting to be conducted under Robert's Rules of Order, 10th Edition and set the time for adjournment to be 7:30 p.m.

Motion: Fuller Royal moved for approval of the agenda.

Second: John La Gatta

Action: Passed

The Chair asked those wishing to speak to first identify themselves and reserved the right to limit their comments to one minute when necessary.

5. Minutes of minutes of November 2, 2006 meeting reviewed and discussed. Bruce Fong asked that his motion that the Board's November 16, 2006 agenda only include items on the agenda that were not acted upon during the November 2, 2006 meeting be included in the minutes. The Secretary stated he would insert Dr. Fong's motion and the Board's action into the minutes. John LaGatta asked that the minutes also include his report that he held discussions with the President of the Chiropractic Physicians' Board of Nevada. Board member Dan Royal was not present during the meeting, but had sent an email to the Board and to Board members asking that his corrections/deletions/additions be included in the November 2, 2006 minutes.

Motion: John LaGatta moved to approve the minutes as amended during this meeting, that there should be only one set of minutes, and if Dan Royal could show at a latter date that further additions to the minutes should be made, he could present his request to the Board for approval.

Second: Fuller Royal

Action: Passed

6. **Election:** The Board discussed whether or not it is necessary under Robert's Rules of Order, 10th Edition, to elect a president at this time, since annual election of officers will occur during the January 27, 2007 annual Board meeting. Although the Board's legal counsel agreed with the interpretation, Mr. Reed encouraged the Board to proceed with an election to fill the vacancy of president and to fill any other office that might be vacated in the process.

Motion: Bruce Fong nominated Valerie Kilgore for president
Second: John LaGatta
Action: Passed

Motion: Fuller Royal nominated Bruce Fong to fill the office of Vice President that was vacated by Valerie Kilgore.
Action: Passed

7. **BHME Committees:**

- A. **Executive Committee:** The Chair officially appointed Nancy Eklof, Executive Director to the Executive Committee, which will include President Kilgore and Fuller Royal, Secretary-Treasurer.
- B. **Policy and ByLaws Committee:** Bruce Fong was appointed to this Committee by the Chair. Bruce Fong recommended, and the President agreed, that the Board review all of the recommended additions/deletion/new language in the proposed amendments to the Board's Policy and Bylaws Manual.

Policy

- a. **Policy 1** was approved by the Board to read as follows:

Each new Board member, the Executive Director and the DAG shall receive a copy of the official policy and bylaws of the Board. Each current and new Board member will also be provided with the current Uniform Resource Locator (URL) of the Nevada State Administrative Manual and asked to read the introduction and the section on travel regarding rules and regulations regarding travel, expenses and per diem allowances. In addition, each Board member shall also receive the current URL for the Nevada Department of Justice Nevada Board and Commission Manual. It shall be the responsibility of the Executive Director to provide copies of the current Policy and Bylaws manual and the information needed to access the previously mentioned URL's to all Board members, officers and the DAG. If any changes in policy or bylaws are adopted by the Board as directed in the policies and bylaws current it shall be the responsibility of the Executive Director to forward those changes to all Board members, officers and the DAG at the earliest opportunity before the next Board or Committee meeting;

- b. **Policy 8, Section 1** was approved by the Board to read as follows:

The Executive Director will receive and respond to all e-mails, phone calls, faxes, postal mail and requests for access to the Board office for the purpose of conducting Board business during the following days and hours: from 1 to 5 pm Monday through Friday, excepting holidays, each week unless duly noted by the Executive Director. The Executive Director will set the Board office hours of operation with approval of the Executive Committee or a majority vote of the Board. The hours of operation will be posted on the Board website;

- c. **Policy 8, Section 3** was approved by the Board to read as follows:

Requests for recordings or written minutes of Board or Committee meetings, with the exception of the complaint committee and any meeting of the Board or a Committee that are closed to the public under NRS 241, must be made in hard copy writing, signed by the requestor and postal mailed to the Board office. A fee must be paid in advance for the actual cost of materials, supplies, photo copies, photos, or other materials. and postage charge where applicable. The Board staff or Executive Director shall have 30 days from the time of the written request is received for hard copy minutes or audio tape to re-produce and forward the requested material. For privacy reasons, no requested official Board material pertaining to Board or Committee meetings shall be sent via the internet that is not posted on the Board website.

- d. **Policy 10:** was approved by the Board to read as follows:

The Secretary-Treasurer or any officer of the Board, in the absence of the Secretary-Treasurer, is hereby delegated the authority by the Board to renew without prior approval of the Board the registration of a license of a homeopathic physician whose license has been automatically suspended under NRS 630A.325(3) within two years of such suspension, provided the licensee requests reinstatement in writing to the Secretary-Treasurer or other Board Officer in the absence of the Secretary-Treasurer, pays the required fees, provides the written statement regarding child support payment pursuant to NRS 630A.246, has completed and documented all continuing education requirements (20 credits for each year) and has complied with all other

requirements in NRS 630A.325(2) and NAC 630A.096. Any such renewal by the Secretary-Treasurer or other Board officer must be reported to the Board at the next Board meeting.

e. **Policy 11, Section 1:** was approved by the Board to read as follows:

Encourage the complainant to utilize the Board website (<http://www.nvbhme.com/complaints.html>) whenever possible to file a complaint or to obtain complaint forms to file a written complaint. If the complainant is unable to obtain the forms from the Board website, the Executive Director shall provide the forms by fax or postal mail as soon as possible;

f. **Policy 12:** was approved by the Board to read as follows:

The Executive Director or the Secretary-Treasurer are the only persons that shall be permitted to direct, advise, communicate in an official capacity or to provide information that shall be placed on the Board's official website (www.nvbhme.com) for public display. The Board may, by majority vote of members present during a meeting in accordance with NRS 241, add, change or remove from the website any information or additional materials without limitation. The website shall include, but not be limited to, the following information:

g. **Policy 15:** was approved by the Board to read as follows:

All reimbursements from the Board to a Board member, the Executive Director, staff members, or officer require the provision of original receipts and completion of the State of Nevada Travel Expense Reimbursement Claim. Each member of the Board shall receive the URL for obtaining the reimbursement form.

Bylaws

a. **Article 2, Section 2:** was approved by the Board to read as follows:

The official fiduciary of the Board is the Secretary-Treasurer. He/She is authorized to sign financial documents for the Board, with the exception of any and all checks wherein the Secretary-Treasurer is the payee on the check. The Secretary-Treasurer may not solely sign any Board check to himself. In the event a check is made out to the Secretary-Treasurer, it must be signed by another Board officer. Signature cards must be signed by the Secretary, President and the Vice President, making it possible for the Secretary-Treasurer to receive any payments.

b. **Article 2, Section 6:** was approved by the Board to read as follows:

An independent book keeper shall prepare the books and accounts for the Board on a quarterly basis.

c. **Article 2, Section 7:** was approved by the Board to read as follows:

The Secretary-Treasurer at each Board meeting shall present an accounting of the Board's debts, expenses and Attorney General's bill.

d. **Article 4: Minutes:** was approved by the Board to read as follows:

Section 1: The written minutes of Board meetings shall be prepared by the Executive Director, his/her assistant, or any Board member designated by a majority of Board members. The Secretary of the Board shall approve the finished version of the minutes before being presented to the Board for official adoption. In the event of a disagreement about the form or content of the written minutes the President will have final editing authority before the final minutes are presented to the Board. A majority of the Board must vote to accept the finalized minutes as the official minutes, the final version of minutes to be presented to the Board for formal adoption. The written minutes of Committee meetings shall be prepared by the Committee chair or whoever has assisted them. The Executive Director shall assist the Committee chair with editing and preparation of the final version of Committee minutes to be presented for formal adoption;

Section 2: 1. As per NRS 241.035 the minutes shall contain:

(a) The date, time and place of the meeting.

- (b) Those members of the public body who were present and those who were absent.
 - (c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.
 - (d) The substance of remarks made by any member of the general public who addresses the public body if he requests that the minutes reflect his remarks or, if he has prepared written remarks, a copy of his prepared remarks if he submits a copy for inclusion.
 - (e) Any other information which any member of the public body requests to be included or reflected in the minutes.
2. Minutes of public meetings are public records. Minutes or audiotape recordings of the meetings must be made available for inspection by the public within 30 working days after the adjournment of the meeting at which the minutes were taken. The audiotape recordings of the meetings shall be retained for 1 year from the date of the meeting. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years.

Section 3: Each vote at any and all Board or committee meeting shall be recorded in the official minutes for each member of the Board present indicating one of the following responses: Yes, No, Abstain, Recuse, Absent;

- e. **Article 5, Section 2:** was approved by the Board to read as follows:

The President of the Board, with the exception of the Executive Committee and a Nominating Committee, shall appoint committee members, the committee chair and direct their respective duties as set forth in Robert's Rules of Order, 10th edition. The President may appoint members to committees that are not members of the Board, with the exception of the Executive Committee and the Compliance Audit Committee. Committee members serve until removed by the appointing authority or their successor is appointed. All standing Committees, except the Executive Committee, will be reviewed by each newly elected President and the results of that review will be presented to the Board during the President's report. Any recommended changes in the committees or their make up will be presented to the Board. A majority of Board members present at a meeting may rescind or over rule the Presidents committee decisions;

- f. **Article 5, Section 6:** was approved by the Board to read as follows:

The Fiscal-Finance Committee shall be composed of the Secretary-Treasurer and two other members and shall be appointed by the President promptly after each annual meeting. It shall be the duty of this committee to prepare a budget for the calendar year beginning the first day of February, and to submit it for approval to the Board at the next meeting. The Committee shall audit the Secretary-Treasurer's accounting at the close of the fiscal year and report their findings at the annual meeting for adoption by a majority of Board members present. The Finance Committee may from time to time submit amendments to the budget for the current calendar year, which may be adopted by a majority vote of the Board members present. It shall also be the duty of the Fiscal-Finance Committee to adopt and oversee financial controls over the Board's expenses, income and AG account, included, but not limited to:

- (a) considering an outside book keeper for regular balance sheet preparation and reconciliation;
- (b) controls over the dispersal of Board funds and assets; and
- (c) recommending a strict policy of who signs Board checks when the Treasurer may not;

- g. **Article 6:** was approved by the Board to read as follows:

Amendment to control legal costs by limiting access to the Attorney General's office and/or the Boards private counsel:

Section 1: Due to past excesses and resultant legal costs, it is necessary to limit routine access to the Board's legal counsel, including the Deputy Attorney General and/or any private legal counsel employed by the Board outside of official Board or committee meetings. Only the Secretary-Treasurer, the President or the Executive Director may contact the Board's legal counsel. Any member who wishes or requires contact with Board's legal counsel must request and obtain documented clearance from the Secretary-Treasurer or Executive Director, or the President in the case of conflict or any disagreement with the initial contact person;¹and

¹ If a Board member abuses this Bylaw, it can be noted that he is not following the Board's policy and bylaws.

Section 2: The Executive Director and Secretary-Treasurer will present at each Board meeting the most current invoice of the Attorney General's bill and any other Board legal and accounting fees that are due;

h. **Change the manual format:** No action taken.

Motion: Bruce Fong moved that the Board approve the Policy additions/deletions and new language as amended by the Board.

Second: John LaGatta

Action: Passed (unanimous)

Motion: Bruce Fong moved that the Board approve the Bylaws additions/deletions and new language as amended by the Board.

Second: John LaGatta

Action: Passed (unanimous)

- C. **Fiscal-Finance Committee:** Diane Kennedy; Chairman; Fuller Royal. The Chair appointed John LaGatta as a Committee member. There was no report due to the Chair being absent.
- D. **NIRB Committee:** Diane Kennedy, Chairman; Valerie Kilgore; Bruce Fong; Chris Hussar. Fuller Royal informed the Board that the NIRB Committee needs to interview persons with medical credentials to fill the vacancy created by the loss of one of the Board's appointees, Bruce Fong. Dr. Fong was appointed by the governor to the BHME, and, therefore, could not serve as a member of the NIRB. There was no report due to the Chair being absent.
- E. **NAC 630A Committee:** Fuller Royal; Bruce Fong. The Chair appointed Kevin Jenkins, APH, to serve on this Committee. No report.
- F. **NRS 630A committee:** John H.O. La Gatta; The Chair appointed Fuller Royal and Bruce Fong to the Committee. No report.
- G. **Complaint Committee:** The Chair appointed John LaGatta to join Bruce Fong and Valerie Kilgore as members of this Committee..
- H. **Education Committee:** Fuller Royal; The Chair appointed Bruce Fong and Valerie Kilgore to this Committee.
- I. **Compliance Audit Committee:** Bruce Fong; Valerie Kilgore; No report.
8. **Letter from the Board to Senator Michael Schneider:** Following a discussion, the Board members felt the letter needed more work. John LaGatta agreed to review, and make revisions where necessary.
- Motion:** Bruce Fong moved to have John LaGatta and his staff in cooperation with Diane Kennedy and Ned Reed finalize the letter before sending it to Senator Schneider.
- Second;** Fuller Royal
- Action:** Passed
9. The Board's employment agreement with the Executive Director, Nancy Eklof, ended in September. Fuller Royal recommended that the Board continue to employ Ms. Eklof as Executive Director on a month-to-month basis.
- Motion:** John LaGatta moved to continue employing Nancy Eklof as Executive Director on a month-to-month basis.
- Second:** Fuller Royal
- Action:** Passed
10. **Public comment.** Greg Olson MD, APH, suggested the Board consider involving the APHs in some Committees for better input, understanding and cooperation in making decisions involving the APHs and HAs.

Fuller Royal reminded Board members the following will be placed on the next Board meeting agenda for discussion/action.

(Bylaws) Article 1: The rules contained in the 10th edition of Robert's Rules of Order shall govern the Board ~~and the NHR Board~~ in all cases to which they are applicable and in which they are not inconsistent with these bylaws, or in conflict with any part of NRS 241, NRS 630A, NAC 630A or any other Nevada Revised Statute.

Article 3: Meetings

(Bylaws) Article 3 Section 1: Regular Meetings. The regular meetings of the Board shall be held ~~in Las Vegas~~ in January each year and ~~in Reno~~ in July each year;

(Bylaws) Article 3 Section 2: Annual Meetings. The regular meeting held ~~in Las Vegas~~ in January shall be known as the annual meeting and shall be for the purpose of ~~electing officers~~ receiving reports of officers and committees, and for any other business that may arise;

(Bylaws) Article 5 Section 2: The President of the Board ~~or the Vice President if the President is absent or unable to function for any reason~~, with the exception of the Executive Committee and a Nominating Committee, shall appoint committee members, the committee chair and direct their respective duties as set forth in Robert's Rules of Order, 10th edition. The President may appoint members to committees that are not members of the Board, with the exception of the Executive Committee and the Compliance Audit Committee. Committee members serve until removed by the appointing authority or their successor is appointed. All standing Committees, except the Executive Committee, will be reviewed by each newly elected President and the results of that review will be presented to the Board during the President's report. Any recommended changes in the committees or their make up will be presented to the Board. A majority of Board members present at a meeting may rescind or over rule the Presidents committee decisions;

- 11. **Announcements;** The next Board meeting is scheduled for January 27, 2007 in Las Vegas
- 12. **Motion:** Bruce Fong moved to adjourn the meeting
Second: Fuller Royal
Action: Passed

Meeting ended at 6:45 p.m.



F. Fuller Royal, Secretary-Treasurer

November 20, 2006
Date