

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

**The Nevada Clinic**  
**3663 Pecos McLeod**  
**Las Vegas, NV 89121**

and

**Cancer Screening & Treatment Center**  
**521 Hammill Lane**  
**Reno, NV 89511**

**Thursday, November 2, 2006**

**MINUTES**

(Meeting began at 8:25 p.m.)

1. Vice President Valerie Kilgore opened the meeting in the absence of President David Edwards. Roll call was taken and a quorum was determined to be present:

Board Members and staff in:

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

Las Vegas: Fuller Royal, Secretary-Treasurer  
Las Vegas (unknown private location): Daniel Royal

Chicago, Ill: Bruce Fong

Members of the Public present in:

Las Vegas: Michael Royal; Dr. Kevin Jenkins; Kimberly Jenkins; Marie Royal; Dr. Dean Friesen;

Chairman Kilgore stated the meeting was being conducted under Robert's Rules of Order, 10<sup>th</sup> Edition.

3. **Approval of today's agenda.**

**Motion:** Fuller Royal moved to approve today's agenda.

**Second:** Bruce Fong

**Action:** Passed with Dan Royal "abstaining."

4. **Set time for meeting adjournment. (8:30 p.m.)** Because of the delay in starting the meeting, the following motion was made:

**Motion:** Fuller Royal moved to follow the times allotted for each agenda item that were in the right margins of the Agenda.

**Second:** Bruce Fong

**Action:** Passed

5. **Review and approval of minutes of July 22, 2006 meeting** . Dan Royal stated he had requested but had not received the recording of the meeting. He stated he would refrain from voting for approval of the minutes until he had received the recording as requested.

Motion: Fuller Royal moved to accept the minutes

Second: John La Gatta

Action: Passed with Dan Royal voting "Nay."

6. **Alan Greenberg:** request for reactivation/restoration of his APH Certificate, with Fuller Royal, MD, HMD, as his supervisor; review of his protocol. Alan Greenberg was not present; the length of time since his certificate had lapsed was discussed. Dan Royal questioned the legality of Greenberg's Protocol, Item 3, "Consulting with the supervising physician prior to performing or initiating any specific diagnostic procedure including, but not limited to: ordering urinalysis, blood profiles, bio-chem profiles, antibody studies, pregnancy tests, X-Rays, MRI, CT scans;" Dan Royal did not believe the protocol was "clear. . . was too open-ended as to what he could do." Dan Royal continued his rhetoric about the protocol.

**Motion:** Bruce Fong moved that Alan Greenberg's certificate not be restored due to the Board's lack of sufficient information.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal and John La Gatta abstaining.

**7. Reports from all BHME Committees:**

- A. **Executive Committee:** Fuller Royal, the only member of the Executive Committee, explained why former President Edwards limited each Committee to only two Board members. This committee consists of the President, Secretary-Treasurer and Executive Director. (Article 5, Section 4) The Board has a new Executive Director and the Vice President is acting in the office of the President, which need to be placed on the Executive Committee. Diane Kennedy moved that the Board follow the Bylaws, asking the President to make the appointments. Dan Royal challenged the Vice President's authority to make such an appointment because the Board has received no confirmation of former President David Edward's resignation. Fuller Royal stated that the governor's office confirmed to him by phone that David Edwards had resigned. However, this was not satisfactory for Dan Royal who insisted that the Board must have written notification; otherwise David Edwards was still President.

**Motion:** Bruce Fong said, "I believe the motion here was to finalize or put into action an official Section 4 of the Bylaws manual that it is supposed to be the Executive Director, President, and Secretary-Treasurer. We do have two of those officers in position now. Could we potentially vote to put that in as officially with the condition that upon election we put the President in there as well? You basically have a quorum of that Committee already sitting there. I make a motion that we approve our Bylaws as we did approve them in the April meeting."

**Second:** Daniel Royal

Action: Passed

**Motion:** Diane Kennedy moved that for the remainder of the Committees the Board allow the acting Chair to solicit members of the public and the Board to fill these Committees.

**Second:** John La Gatta

**Discussion:** Dan Royal renewed his objections to allow the acting President to appoint anybody to the Board Committees, arguing that “the Bylaws specifically say that the President shall appoint members and the Chair of Ad Hoc Committees.” Deputy Attorney General supported Dan Royal in this matter. Bruce Fong suggested the Board refer to Robert’s Rules of Order. Dan Royal argued that Robert’s Rules do not apply when the Board has Bylaws in place. Dan Royal recommended tabling this agenda item. Fuller Royal disagreed. Discussion continued with the Deputy Attorney General agreeing with Dan Royal’s argument that the Bylaws would take precedence over Robert’s Rules of Order. Diane Kennedy’s motion, which was seconded was never acted upon.

**Motion:** Bruce Fong moved that the Board “move on” with Committee Reports.

**Second:** John La Gatta

**Action:** Passed

B. **Policy and ByLaws Committee:** Fuller Royal reviewed the recommendations to the Board for deletions/additions and new language. The Deputy Attorney General advised the Board that the Agenda did not contain enough information to allow the Board to go forward with this item.

**Motion:** John La Gatta moved to table all items; Bruce Fong wanted to continue with other Agenda Items, and table only Agenda Item 7. No action was taken.

8. **James Forsythe, MD, HMD**

A. Presented letters in support of a pilot NIRB study for the Board to consider for approval via the NIRB Committee; the NIRB is currently inactive. This agenda Item was tabled.

B. Board reviewed the APH protocol prepared by Dr. Forsythe and signed by Dr. Forsythe and Dr. Tomas Lee.

**Motion:** Fuller Royal moved to approve the APH protocol for Dr. Tomas Lee.

**Second:** Bruce Fong

**Action:** Passed

9. **Kimberly Jenkin’s protocol (RN, APH):** Dan Royal argued against approving the amendment to the protocol and sought to amend other parts of the protocol that had already been approved by the Board in the past. Dan Royal provided the Board with his “opinion” that HMDs do not have prescription rights. Dan Royal questioned whether an RN could administer IV solutions containing vitamins and minerals. Dan Royal failed to advise the Board of his relationship to Kimberly Jenkins. Fuller Royal told the Board to take into consideration the fact that Dan Royal is the brother of Kimberly Jenkins. Fuller Royal asked the Deputy Attorney General if Dan Royal should not recuse himself in this matter. Mr. Reed said Dan Royal could render an opinion, but should not vote. Diane Kennedy questioned why Dan Royal was “slicing apart” Kimberly Jenkins’ protocol when he said nothing about Tomas Lee’s protocol that contained the same language. Dan Royal said, “I looked through Tom Lee’s (protocol); I have no problem with it whatsoever.” Mr. Reed said that a specific regulation needed to be presented that would prohibit the amendment to the protocol. Dan Royal used a counter argument that the regulation should be brought forth that allows and APH to administer IV therapies. Dan Royal said he would research it and get back to the Board with his findings during the next meeting.

**Motion:** Bruce Fong moved that Kimberly Jenkins’ amended protocol be approved.

**Second:** John La Gatta suggested that Dan Royal have 72 hours to research and come forth with his findings that it is illegal.

**Action:** Passed with Dan Royal refusing to recuse himself as previously instructed by the Deputy Attorney General and voting “NAY!”

10. **Unfinished Business:**

A. **Chiropractic Board** may be seeking to expand the “Scope of Practice” to include “Homeopathic substances under chapter 634 of NRS and NAC. Mr. La Gatta talked with four Chiropractors and the lobbyist for the Chiropractors. The Chiropractic Board President, Dr. Youngblood told him during his discussion with her Chiropractors were only interested in applying topical homeopathic substances to the skin, and wanted to sell homeopathic medicines in their offices that could be purchased in health food stores.

**Motion:** Bruce Fong moved to expand the Board’s communication with the Chiropractic Board using APH Kevin Jenkins, a Chiropractic Physician, as a facilitator

**Second:** Valerie Kilgore

**Action:** Passed

B. **Naturopaths** are advertising homeopathic practices and therapies that come under chapter 630A of NRS and NAC; Nancy Eklof, Executive Director, talked with a Naturopath and advised her that the use of homeopathic medicines in her practice was not acceptable.

C. **Status of the annual report to the Legislature;** No report.

D. **Senator Michael Schneider:** Tabled until the next meeting.

E. **Dr. Dan Royal:** Robert Gentry was to provide Dan Royal with **receipts for \$5,500.00 paid** to Dan Royal by the Board in June, 2005; Dan Royal was to present those receipts to the Board. Dan Royal argued that the Board should be satisfied with copies of the receipts, rather than the actual receipts, which he said were needed “for IRS purposes.” Fuller Royal reminded the Board that the LCB Auditors were very concerned over this transaction. Dan Royal said that the receipts were “far under the per diem (permitted by Nevada State).” Ned Reed asked Dan Royal if he couldn’t produce the receipts. Dan Royal argued that the Board only needed copies of the receipts, and not the receipts themselves. In a discussion with John La Gatta, Dan Royal asked, “Which do you want: copies or the originals.” Fuller Royal stated, “The originals.”

**Motion:** John La Gatta moved that Dan Royal would produce the originals and make them available for copying and that the copies be certified.

**Second:** Bruce Fong

**Action:** Passed

11. **Secretary-Treasure report:** Nancy Eklof stated that the Board’s bank balance was \$9,037.16. Currently, the licensees and certificate holders are in the process of renewing their licenses and certificates. The Board’s debt to the Office of Attorney General is \$85,135.35. The Board pays \$500.00 monthly to the OAG.

12. **Executive Director’s report:** there are four applications for licensure/certification from persons desiring to sit for the examination in the January, 2007 meeting.

**Motion:** John La Gatta moved to accept the report of the Executive Director and to agree to continue her services on a month-to-month basis.

**Second:** Bruce Fong.

**Action:** Passed

Deputy Attorney General told the Board there was nothing in the agenda that would allow the Board to enact the above motion.

**Motion:** Bruce Fong moved to have the month-to-month item on the agenda for the next Board meeting.

**Second:** John La Gatta

**Action:** Passed.

13. **Public comment.** Dean Friesen handed Fuller Royal a manila envelop containing the receipts that the Board had requested from Dan Royal. Dean Friesen said these were the NIRB receipts that were given to the Office of Administration auditors.

Fuller Royal asked for clarification of the Board's action in regards to Kimberly Jenkins' amended protocol. Dr. Fong said the Board voted to approve the amended protocol. Dr. Fong also requested the next Board meeting agenda contain only the unfinished business of the November 2, 2006 meeting.

14. **Announcements; Board meetings at the call of the Chair.** Dan Royal complained that the members were not being notified of meetings in sufficient time to get items on the agenda.

15. **Adjournment.**

**Motion:** John La Gatta moved to adjourn

**Second:** Diane Kennedy

**Action:** Passed

**9:55 p.m.**  
**(Adjournment Time)**



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**F. Fuller Royal, Secretary-Treasurer**

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**November 16, 2006**  
**Date**