

Regular Board meeting  
**NEVADA STATE BOARD  
OF  
HOMEOPATHIC MEDICAL EXAMINERS**  
At  
**Meadow Wood Courtyard  
5851 South Virginia Street  
Reno, NV 89502**

**Saturday, July 22, 2006 at 9:30 a.m.**

**MINUTES**

The meeting was called to order at **10:03 a.m.** by President Edwards. A quorum was determined to be present. All visitors were welcomed and asked to sign in and to print their names for the record. Those in attendance were:

**Board Members:** David Edwards, Valerie Kilgore, Fuller Royal, Daniel Royal, Diane Kennedy, and John H.O. La Gatta. Newly appointed member, Bruce Fong, was present but could not participate because he had not taken the Oath of Office.

**Staff:** Ned Reed, Deputy Attorney General, and Nancy Eklof, Executive Director.

**Visitors:** Geoffrey Radoff, MD; Victoria De Los Santos; Cyrus Pourzan, HMD; Susan Skub; Michael Gerber, HMD; Robert Eslinger, HMD; Inge Gerber; Marilee Brodie; Dean Friesen; Jenny Ritter-Friesen; David Holt, HMD; Joe Brown; Tiffany Van der Stokker; Thomas S. Lee, NMD; Babette Clough; Gregg Koechlein; Bruce Fong, HMD.

**Motion:** Valerie Kilgore moved to approve today's agenda.

**Second:** John La Gatta

**Action:** Passed unanimously

**Motion:** Fuller Royal moved to adjourn the meeting by 4:00 p.m.

**Second:** Valerie Kilgore

**Action:** Passed unanimously

The application of Geoffrey Radoff, M.D., M.D.(H) for licensure was complete and in order. Dr. Radoff is applying for a license by reciprocity pursuant to NRS 630A.280, and must be interviewed by the Board. Although Dr. Radoff had signed a waiver pursuant to NRS 241.033 (2) (a) (2) permitting the Board to interview him in closed session, Mr. Reed read NRS 241.033 to Dr. Radoff and asked if he agreed to being interviewed by the Board under the conditions of that statute. Dr. Radoff stated, "Yes."

**Motion:** Fuller Royal moved for the Board to go into closed session.

**Second:** John LaGatta

**Action:** Passed unanimously

The Board re-opened the meeting to the public.

**Motion:** Fuller Royal moved to issue a license to Geoffrey Radoff, M.D., M.D.(H) pursuant to NRS 630A.280.

**Second:** Valerie Kilgore

**Action:** Passed unanimously

The application of Thomas S. Lee, NMD, was complete and in order. Although Dr. Lee had signed a waiver pursuant to NRS 241.033 (2) (a) (2) permitting the Board to interview him in closed session, Mr. Reed read NRS 241.033 to Dr. Lee and asked if he agreed to being interviewed by the Board under the conditions of that statute. Dr. Lee stated, "Yes."

**Motion:** John LaGatta moved to allow Dr. Lee to sit for the APH exam.

**Second:** Fuller Royal

**Action:** Passed unanimously

**Motion:** Fuller Royal moved for the Board to go into closed session to interview Dr. Lee.

**Second:** Diane Kennedy

**Action:** Passed unanimously

Following the closed meeting, the meeting was re-opened to the public.

**Motion:** Diane Kennedy moved to have Fuller Royal administer the exam to Dr. Lee in Las Vegas, and to certify him as an APH pursuant to his passing the exam.

**Second:** Daniel Royal

**Action:** Passed unanimously

The minutes of the following meetings were reviewed by the Board.

A. April 1, 2006 Regular meeting: Dr. Dan Royal asked to be allowed to review the recording of this meeting, because he had several corrections and additions he wished to be added.

B. April 18, 2006 Phone meeting: Dr. Dan Royal asked to have permission to listen to the recording to be in a position to make corrections and additions to the minutes in the future.

C. June 7, 2006 Phone meeting: Dr. Dan Royal asked to have permission to listen to the recording to be in a position to make corrections and additions to the minutes in the future.

D. June 9, 2006 Public workshop: Dr. Dan Royal asked to have permission to listen to the recording to be in a position to make corrections and additions to the minutes in the future.

**Motion:** Fuller moved to approve the minutes.

**Second:** Valerie Kilgore

**Action:** Passed unanimously

Agenda Item 7: The Board's proposed regulation LCB No. R125-06 had not been noticed (posted) pursuant to NRS 233B.060 (1). The proposed regulation had been presented to the public for comment in Reno and Las Vegas in workshops held on June 9, 2006. The Board listened to Senator Michael Schneider's recorded comments during the workshop held in Las Vegas. The letters and comments received from the public by the Board were not favorable in regards to the sections creating an Audit Review Committee. Dr. Dan Royal expressed concerns with the regulation sections pertaining to the NIRB. The Legislative Counsel Bureau received the proposed regulation from the Secretary-Treasurer following the workshops, had questions about the wording of some sections, and is working on the language. The Chairman suggested sending the proposed regulation back to the NAC Committee for additional work before bringing it before the Board. Members of the Board

and public were invited to provide input. Some sections approved by the Board during its April 1 meeting were missing from LCB File No. R125-06.

**Motion:** Diane Kennedy moved to send the proposed regulation LCB File No. R125-06 to the NAC Committee for additional review and work, prior to bringing the regulation before the Board.

**Second:** Fuller Royal

**Action:** Passed unanimously.

**Agenda Item 8. Reports from all BHME Committees:**

- A. Executive Committee: emergency meeting May 19, 2006; No Report
- B. Policy and ByLaws Committee: No Report.
- C. Fiscal-Finance Committee: May 25, 2006 meeting; Diane Kennedy needs some recent reports before making this report.
- D. NIRB Committee: May 23, 2006; No report.
- E. NAC 630A Committee: April 13 and May 24, 2006 meetings; No report.
- F. NRS 630A committee: No report. Chair appointed John La Gatta to be a member of this committee.
- G. Complaint Committee: Chair appointed Bruce Fong to this committee David Edwards and Valerie Kilgore
- H. Education Committee: No report.
- I. Compliance Audit Committee: The Chair appointed Bruce Fong, Valerie Kilgore and himself as a member pro tem.

Agenda Item 9. The Chiropractic Board approved the "Scope of (Chiropractic) Practice" to include "homeopathic substances" under chapter 634 of NRS and NAC during that Board's May 12, 2006 meeting. The Secretary-Treasurer read a transcription taken from the Chiropractic recording of the meeting. NRS 634.220 was quoted by David Edwards as evidence that the Chiropractic Board has taken action beyond what the statutes allow. Discussion ensued as to how best to address this problem.

**Motion:** John La Gatta moved that an inquiry be made to 10 chiropractors as to how they are using homeopathic substances in their practice and pass that information to Ned Reed, Deputy Attorney General, who will prepare and send a letter to the Chiropractic Board.

**Second:** Diane Kennedy.

**Action:** Passed unanimously.

Agenda Item 10. Naturopaths are advertising that they are using in their practices homeopathy and therapies that are regulated under chapter 630A of NRS and NAC. The Board discussed inviting the naturopaths to apply for APH status. However, most homeopathic physicians are unwilling to supervise practitioners outside the confines of their offices because of possible legal action that could involve the supervising physician, if the APH were to be sued for malpractice. The practices of naturopaths also may be infringing upon the statutes of other health care Boards.

**Motion:** Diane Kennedy moved for the Executive Director to write to naturopathic physicians inviting them to apply for a certification as an APH.

**Second:** John La Gatta

**Action:** Passed unanimously.

Agenda Item 11. Board considered requesting judicial declaratory judgments and other rulings to clarify a number of issues. Ned Reed stated that the meaning of words in

the statutes should be defined through regulation. For example, “serve at the pleasure of” has already been defined by the Office of Attorney General. The cost of obtaining judgments through the courts was weighed against the lesser cost for doing such through regulation.

The question is unresolved at this time as to whether or not four (4) Board members attending a committee would consist of a “quorum of the Board,” rendering the actions of the committee invalid pursuant to NRS 241.

Section 3 in Policy 8 of the Policy and ByLaws Manual must be amended from its present wording. The law prohibits charging fees for materials and services to Board members or the public beyond what the actual cost would be.

Agenda Item 12. The Board considered the legislative mandate in NRS 630A.155 (6) requiring the Board to submit an annual report to the Legislature. Although there is no time limit, most members felt the report should be forthcoming by October 1, 2006. No action was taken.

Agenda Item 13. Diane Kennedy will work with Ned Reed in determining what costs the Board has incurred that can be forwarded to the Interim Finance Committee of the State Board of Examiners for payment, which will reduce the finances and reduce the Board’s current debt. A review of charges from the Office of Attorney General was reviewed presented by Diane Kennedy. The net increase in the bill from the Attorney General would be \$14,000.00 if the Finance Committee of the State Board of Examiners agrees to cover the other expenses, which the Board feels should be covered. The audit from the LCB will eventually bring all costs and bills into focus. The exact indebtedness of the Board is necessary in order for the Board to determine a means for clearing its debt.

**Motion:** Fuller Royal moved to forward to the Finance Committee of the State Board of Examiners the final amount of funds to be requested for coverage of costs of investigations and complaints, which has required the services of the Office of Attorney General .

**Second:** Diane Kennedy

**Action:** Passed unanimously

The Chair tabled the NIRB item on the agenda for a future Board meeting. Costs to the Board that relate to the NIRB must be accurately determined in order for the Board to discuss and take remedial action for clearing the debt.

Agenda Item 14. Under unfinished business, Dr. Phillip Minton’s request for reinstatement of his license to practice homeopathic medicine in Nevada has been ajenized for several meetings without resolution, which would require Dr. Minton to come before the Board for an interview.

**Motion:** Fuller Royal moved to remove Dr. Minton’s request for reinstatement of his license until Dr. Minton communicates to the Board his desire to meet with the Board.

**Second:** Valerie Kilgore

**Action:** Passed with John LaGatta voting Nay.

A letter written by Diane Kennedy and Ned Reed in response to Senator Michael Schneider’s March 16, 2006 letter to Paul Townsend, Legislative Auditor for the Legislative Counsel Bureau was presented to Board members. All members of the public attending the meeting requested a copy of the letter. However, it was not possible to provide everyone with a copy.

**Motion:** Fuller Royal moved to table this item until the next Board meeting.

**Second:** Valerie Kilgore

**Action:** Passed unanimously.

Dan Royal will provide the Board with copies of receipts for the \$5,500.00 paid to him by the Board in June, 2005. He stated that copies of the receipts were sent to the LCB. Dan Royal said he would ask Robert Gentry to provide the original receipts to the Board. Board members questioned the amount and asked Dr. Royal to explain the costs. A review of the events leading up to this was given by Dr. Dan Royal and Fuller Royal. Dean Friesen, a member of the public, also contributed to the discussion.

**Motion:** Fuller Royal moved that the Board obtain the original receipts for the expenses incurred by Dan Royal to verify the copies sent to the LCB auditors by Robert Gentry in behalf of Dan Royal and for the Board's records.

**Second:** Diane Kennedy

**Action:** Passed with Dan Royal and John LaGatta abstaining.

Deputy Attorney General Ned Reed read the requirement for the Board to post its agenda on the Board's website within 3 working days of the meeting. The Board has failed to do this for past meetings. All meetings, including committee meetings, must have their agendas posted in the same manner as noticing a meeting.

**Motion:** John La Gatta moved to take down the website, engage Nancy Eklof to learn what is required by the state to be on the website, and put the website back up with the minimum items needed. Fuller Royal amended the motion to leave the website in place until the new website is ready.

**Second:** Diane Kennedy

**Action:** Passed unanimously.

Agenda Item 15. A letter from an attorney representing Board member Daniel F. Royal, D.O., H.M.D., J.D. was read by Ned Reed, Deputy Attorney General, who received the letter. The letter only relates to closed sessions or meetings. The agenda item for this meeting did not pertain to a closed meeting and was not agenzized as disciplining meeting. Mr. Reed said the Board could proceed if it wished to do so. John La Gatta asked for anyone present to contribute any information that might shed some light as to who assisted Senator Schneider in preparing his letters of complaints against the Board.

The Chair stated that he asked for this item to be placed on the agenda. He does not understand Senator Schneider's position against the Board. He stated that he would like to see Dr. Dan Royal resign. Dr. Edwards said, "People have been threatened, bullied---this is no way to run a Board to protect the public." Two (2) minutes were allotted to each Board member to express opinions, feelings and thoughts.

Fuller Royal gave a brief summary of the events that eventually led to AB 208 being enacted into law by the Legislature. He stated several instances where Dan Royal performed actions that were improper and beyond his authority as Board President and unauthorized by the Board. Some are as follows

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First, without Board approval, President Royal appointed two individuals to the NIRB, one of whom was a Board member.

Second, President Royal prepared NIRB regulations (LCB File No. R159-06) and sent them to the LCB without any input or supervision from the Board. He misled NIRB members in believing the regulations had been seen and approved by the Board (See Agenda Item 5 at <http://www.nirb.org/pdfs/NIRB.Minutes.1-20-06.pdf>).

Third, he used the Board's letterhead for communications that were not approved by the Board. For example, although the Board removed him from the office of President in February, 2006, his May 11, 2006 letter to the Board's Executive Director (using the Board's letterhead) was sent by "carbon copy" (Cc) to the Office of the Attorney General, the Legislative Counsel Bureau, and the NIRB.

Fourth, he sought to control the Board's agenda for all meetings.

Fifth, he blocked one attempt to have a Board meeting to consider the establishment of a private corporation, the NIRB Medical Foundation, without bringing this action before the Board for discussion and action.

Sixth, he attempted to block a meeting called by a majority of Board members, and threatened members with possible legal action.

Seventh, he filed a civil suit against the Board and specific Board members, which he later withdrew.

Eighth, he filed a complaint with the Office of Attorney General that the Board had violated the Open Meeting Law, chapter 241 of NRS during its February 9, 2006 meeting. His complaint was overruled.

Fuller Royal recommended that the Homeopathic Medical Board vote to ask Dan Royal to resign from the Board. If he refused to submit his resignation, Fuller Royal asked Board members to pass a motion of "no confidence" in Dr. Daniel Royal as a Board member, and to submit a letter requesting that the governor remove him from office "for cause."

Diane Kennedy spoke in support of the statements of David Edwards and Fuller Royal, asking Dr. Dan Royal to resign from the Board.

Valerie Kilgore stated she had been a member of the NIRB, but resigned. She also supported and agreed with the statements of David Edwards and Fuller Royal.

John La Gatta said he had never seen so much acrimony on a Board. He thought it would be unfortunate to vote on this matter during this Board meeting, and asked for the matter to be revisited during a meeting of the Board before the next scheduled meeting in January, 2007. He hoped that the problems created by the NIRB could be

resolved in the future. He wanted to give Dan Royal 90 days to present his side of the areas of disagreement before taking any action.

Dan Royal said he thought this meeting had been a great therapy session for Board members. He stated he would have walked away from the Board in January, 2006, but did not do so because he wanted to defend and protect his name and his reputation, which he said the Board had continued to slander and attack since December, 2005. He believed that all of (these attacks) accelerated during the past 6 months under President David Edwards primarily because he doesn't understand the NIRB. He said, "If you don't understand the NIRB, then leave it alone." He believed all of these problems have occurred because the Homeopathic Board has sought to take over the NIRB. He cited NRS 241 as to why he filed a lawsuit against the Board and some of its members. He stated that such a suit must be filed within 60 days if one's rights had been violated. He stated,

"I would love to resign from this Board. But if I were to resign, I would also ask for this Board to do some things in return. I think this Board is in serious need of reformation and is dysfunctional, and everybody knows it all the way to the governor's office. If I were to resign, I would request that all other members of the Board resign with the exception of Bruce Fong and John La Gatta who have not been a part of this practice this past year. I also request that this Board separate itself from the NIRB, rescind all rules and regulations related do the NIRB, and restore the NIRB with the members it has removed. If the Board is willing to do those things under those conditions, I will happily resign."

Marilee Brodie, a member of the public expressed her feelings, stating that she did not understand the NIRB. Having attended other Board meetings, she felt that the animosity within the Board was primarily coming from Dr. Dan Royal. She also questioned why Senator Schneider was so upset and concerned about the NIRB.

Dean Friesen spoke about the loss of integrity that comes when one group tries to control another group. He states that the Board has taken over and destroyed another board (NIRB). He defended Dr. Dan Royal, stating he didn't get any support from the Homeopathic Board. Friesen stated he was "embarrassed" for the Board.

Dr. Robert Eslinger, a licensee, also spoke of his concerns as to how the NIRB handled stem cells, finances, etc. He believed the Board had every right to do what they did to regulate the NIRB. He stated that egos, finances, and legal entanglements present a classic of the worst case scenario when lawyers get involved.

**Motion:** Fuller Royal moved that the Board take a vote of "no confidence" in Dr. Daniel Royal as a Board member, and submit a letter requesting the governor to remove him from office "for cause." The motion was amended by John La Gatta to add "or otherwise" after "for cause."

**Second:** Diane Kennedy

**Action:** Passed with a roll call vote: Fuller Royal "Yea;" Valerie Kennedy "Yea," Diane Kennedy "Yea," John La Gatta "Abstain," and Dan Royal "Abstain."

A discussion followed as to who would write the letter to the governor regarding Dr. Dan Royal.

**Motion:** Diane Kennedy moved that Dr. David Edwards write the letter notifying the governor of the Board's decision and vote.

**Second:** Valerie Kilgore

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

Agenda Item 16. Case 2006-1 was a disciplinary complaint about a licensee which was reviewed by Deputy Attorney General Ned Reed of the Office of the Attorney General. The complaint was also reviewed by a Board member, Dr. David Edwards. Mr. Reed said the allegations were not such that would call for disciplinary action under chapter 630A of NRS. He reviewed parts of the statutes that would result in action if committed by the licensee, but none of these were cited by the complainant.

**Motion:** John La Gatta moved to dismiss the complaint

**Second:** Diane Kennedy

**Action:** Passed unanimously.

Agenda Item 17. John La Gatta shared his thoughts as to ways wherein the Board could work with the Health Sciences Department at the University of Nevada in Reno, UNLV in Las Vegas, and with various health care professions for understanding and encouraging cooperation with all aspects of health care for the benefit and protection of the public. Diane Kennedy also stated there were some real opportunities for working with the medical school. Dr. Edwards felt the Board would have greater success working with the nursing profession and with the Osteopathic school in Las Vegas. Dr. Michael Gerber, President of NIHMA, stated that a fellowship (residency) in complementary alternative medicine is being established at the medical school. No action.

Agenda Item 19. There was no report from the Vice President.

Agenda Item 20. **Secretary-Treasure report:**

- A. Audit by Legislative Counsel Bureau's Audit Division. No Report
- B. Review of finances and budget. No Report
- C. Current status of the NIRB. No Report
- D. Contact with Kristen Kolbe, Budget Div. for money needed to pay legal fees and the costs of investigations. No Report.

The Executive Director had no report:

Agenda Item 23. Public Comment: Dr. Michael Gerber expressed concerns about the Board's proposed regulation (LCB File No. R125-06) and was invited to participate in the continued work that the NAC Committee will be performing on this regulation.

Dean Friesen presented a silver medallion to Michael Gerber, HMD, and to David Edwards, HMD, for their financial contributions to the NIRB during 2005.

Joe Brown presented a letter to the Board and to the public suggesting that the Board receive and approve a proposal from Dr. Forsythe for a pilot study for an NIRB. The Chairman was

asked to have his request placed on the agenda for the next meeting. Diane Kennedy suggested his proposal be brought before the NIRB Committee for consideration.

Inge Gerber thanked the Board for all of the time, energy and emotions spent by the Board members in carrying out their duties.

The President will call the next meeting at his pleasure.

**Motion:** Valerie Kilgore motioned to adjourn.

**Second:** Diane Kennedy

**Action:** Passed unanimously.



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

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November 2, 2006

**Date:**