

NEVADA STATE BOARD
OF
HOMEOPATHIC MEDICAL EXAMINERS
AT

The Nevada Clinic
3663 Pecos McLeod
Las Vegas, NV 89121

Bio Health Center
615 Sierra Rose Dr.
Reno, NV 89511

Telephone meeting/conference
Tuesday, April 18, 2006 at 5:00 p.m.

MINUTES

The meeting was called to order at 5:07 p.m., a voice roll call taken, a quorum of Board members was present, and all (including visitors) signed in as follows:

Reno: Board Members and legal counsel present: David Edwards, President, Diane Kennedy; Valerie Kilgore; and Deputy Attorney General Ned Reed.

Visitors present: John H. O. LaGatta, Bruce Fong.

Las Vegas: Board Members present: Fuller Royal, Secretary-Treasurer; Daniel Royal; Greg Fihn; and Brent Hardy (arrived late). Mary Lou Heacock, Executive Director, was absent.

Visitors present: Dean Friesen, NIRB President; Robert Gentry, NIRB Executive Director; Marie Royal; Michael Royal; Greg Olson; and Charles Green.

Agenda Item 3.

Motion: Fuller Royal moved that today's agenda be approved.

Second: Valerie Kilgore

Action: Passed. Daniel Royal voted "Nay," stating that this meeting was not called in compliance with the Board's policy set on January 26, 2006, which called for agenda items to be submitted 5 days before the meeting. The first notice of the meeting received by him was the day the meeting was being posted.

Agenda Item 4.

Motion: Diane Kennedy moved to adjourn the meeting by 6:30 p.m.

Second: Fuller Royal

Action: Passed

Agenda Item 5. The Board discussed reducing the Board's legal bills by limiting persons who have access to Deputy Attorney General Ned Reed or the Office of Attorney General. Ned Reed suggested having fewer Board meetings. Mr. Reed suggested the Board limit access to the Office of Attorney General to the executive committee, which consists of the President, Secretary-Treasurer, and Executive Director.

Motion: Diane Kennedy moved to require all Board members, including the officers, to provide a written request to the Office of Attorney General through a member of the Board's executive committee when necessary.

Second: Valerie Kilgore

Discussion: A suggestion was made for those wishing to access the Office of Attorney General through the executive committee members do so in writing. Daniel Royal stated that such limitation would not prevent others, such as members of the public and governmental agencies from contacting the Office of Attorney. The Homeopathic Board is charged for such access. The Chair explained that the Board needs to demonstrate to its critics that efforts are being made to limit costs.

Action: Passed with the Chair and Daniel Royal voting "Nay."

Agenda Item 6.

A. Fuller Royal, Chairman of the NAC Review Committee reviewed the action taken by the Board to remove "Section 2, subsection **10. The NIR Board will conduct all meetings and parliamentary procedures according to Robert's Rules of Order, tenth edition**" from the proposed regulations approved during the April 1, 2006 meeting could be interpreted to also include removal of "Section 11, subsection **10. The Nevada Institutional Review Board will conduct all meetings and parliamentary procedures according to Robert's Rules of Order, tenth edition.**" The Board's intent is to require through regulation that the NIRB conduct its meetings and parliamentary procedures according to Robert's Rules of Order. The Homeopathic Board has adopted Robert's Rules in its Bylaws (Article 1). Daniel Royal stated that the NIRB had adopted Mason's Manual. Daniel Royal asked why the Homeopathic Board was not discussing this with the NIRB: "Why is the Board imposing its will upon the NIRB?" The Chair answered that the proposed regulation is the result of lack of communication with the NIRB. Daniel Royal said the Board was not treating the NIRB with respect, and the "lack of communication" was from the Homeopathic Board. Ned Reed explained that these differences of opinion can be worked out through the workshop and public Board meeting.

Motion: Fuller Royal moved that the proposed regulations approved by the Board on April 1, 2006 contain the language found in Section 11, subsection 10: "**The Nevada Institutional Review Board will conduct all meetings and parliamentary procedures according to Robert's Rules of Order, tenth edition.**"

Second: Diane Kennedy

Action: Passed with Daniel Royal voting "Nay."

B. The Board will consider adding new language to the proposed regulations approved by the Board April 1, 2006:

"NAC 630A.020 is hereby amended as follows:

NAC 630A.020 The use of sarcodes in macro dosage includes the use of stem cells **as approved by the Food and Drug Administration (FDA)** and is called "cell therapy."

The Chair stated he recommended additional language be added to NAC 630A.020 as a result of his conversations about stem cell therapy with FDA officials. The purpose of the new language is to harmonize Nevada Law pertaining to stem cell therapy with FDA regulations, which would better protect the citizens of Nevada.

Motion: Diane Kennedy move to adopt new language into NAC 630A.020, "The use of sarcodes in macro dosage includes the use of stem cells **as approved by the Food and Drug Administration (FDA)** and is called 'cell therapy.'"

Second: Valerie Kilgore
Action: Passed with Daniel Royal voting "Nay."

Agenda Item 7. Unfinished business:

A. Dean Friesen, President of the NIRB, provided the Board with a verbal and written report pursuant to NRS 630A.900 (2) and NRS 630A.905 (4) and (5). The written report will be attached to the minutes.

Dean Friesen, NIRB President: "The NIRB was my idea. It was designed in such a way as to provide services to the citizens of the State of Nevada, which were not available or were questionably available, but which were considered to be safe and efficacious. The objective was formulated with Senator (Michael) Schneider. We asked Dr. Dan Royal to help write it up, since he is also a lawyer, and it went from that point forward."

President Friesen proceeded to review the legislative history of the eventual birth of the NIRB. He stated that about 3 months ago (?) he and Senator Schneider invited the homeopathic physicians in Northern Nevada to meet with them, and no one came to the meeting. However, he indicated additional actions relating to the NIRB that occurred during the 2005 Legislative Session, meaning that the meeting with the physicians had been arranged near the end of the legislature. He said that he had talked about the problems facing the NIRB with the legislative counsel for the Board of Medical Examiners, Keith Lee, in January, 2006, and was told that the Medical Board "knew it would not work." President Friesen said the NIRB was "my baby" and compared what is now happening with an incident recorded in biblical times when Solomon was king of Israel.

(Daniel Royal announced that Board member Brent Hardy had arrived)

In his discussion, referring to his successful talks and meetings with the HHS (United States Department of Health and Human Services), President Friesen stated the Homeopathic Board was "about 20 steps lower than where we have been negotiating. . . . you are dealing with individuals that are so low down on the totem pole that they don't even know what the bosses are doing. We even have an individual who is special counsel. That is a huge opening. . . . My concern is . . . and I would like to present 2 documents . . ." The documents pertain to the 'lack of communication,' and . . ." (at this point the Chair interrupted President Friesen, saying his time was up, and that the Chair had some questions). Friesen then asked to have his prepared letter about the "Interlocal Agreement" (between the Board and the NIRB) attached to the minutes.

President Edwards: "Could you provide the names of the people in the Federal government?"

President Friesen: "At this point I have been advised not to (by my legal counsel). I will be glad to go back and ask counsel, but I have been advised not to."

President Edwards: "May I have the name of your legal counsel, please?"

President Friesen: "I am sorry, sir; but I repeat the statement, sir. (He would not provide the name of his legal counsel)."

President Edwards also asked if the \$1,000 donation he made to the NIRB last year at the request of Dan Royal was tax-deductible, as he had been told. Friesen's answer was confusing, "I do not know, but I do know, yes, it was. . ." He then told Dr. Edwards that, in addition to the letter of appreciation sent to him, a silver medallion from the 2005 Legislative Session was also being sent

to him. President Friesen said much of the problem arose and continues to exist because of a "stolen computer" and failure of the former Secretary-Treasurer (the Board's Vice President Elect Valerie Kilgore) to provide records pertaining to the NIRB when she was Secretary-Treasurer of the NIRB. Dr. Edwards asked if President Friesen could produce a financial statement of the NIRB, and was told that the statement was to have been provided during the January 21, 2006 meeting. Because records are missing, the financial statement is not complete, according to Friesen.

B. A written letter of response pertaining to the March 16, 2006 letter from Senator Michael Schneider to Paul V. Townsend, Legislative Auditor, prepared by Diane Kennedy and Ned Reed, the Board's legal counsel, was to be presented for Board review and approval. Diane Kennedy asked to have the item tabled at this time. Ned Reed, legal counsel, requested the Board approve the letter for mailing as soon as completed without Board review and approval to save time.

Motion: Valerie Kilgore moved that a letter in regards to Senator Schneider's letter to Mr. Townsend be prepared by Diane Kennedy and Ned Reed for mailing without Board review and approval.

Second: Fuller Royal

Action: Failed to pass

Brent Hardy asked that the Board review, make changes and approve the letter prepared by Diane Kennedy and Ned Reed during a public Board meeting. (This item will be continued under "Unfinished Business" during a future Board meeting)

C. The Board considered the recommendation of the Financial Committee to rescind the motion "to reimburse expenses incurred by Dr. Daniel Royal and Dr. Dean Friesen in an amount not to exceed \$5,500.00," which was previously adopted during the June 16, 2005 Board Meeting. Finance Committee Chairman Diane Kennedy stated that the invoice submitted was not accompanied by any receipts to account for the expenses of Daniel Royal. Mrs. Kennedy said the bill should be paid by the NIRB (since Dean Friesen is not a member of the Board, and is President of the NIRB). Dan Royal stated that the Board did not request receipts, but agreed to pay "\$5,000."¹ He also said that receipts could be provided if necessary. Dr. Edwards stated that President Dean Friesen had said that the NIRB was his idea ("baby"). Therefore, how does the Homeopathic Board benefit from money paid to support the NIRB? Dan Royal asked, "How do you rescind a contract that has already been performed?" Dr. Edwards replied that we are voting to *rescind the vote* made by the Board, and has nothing to do with a contract, explaining that the Board does not expect to have the money returned. Dan Royal said the Board is engaging in "historical revisionism." Fuller Royal said the amount paid to Daniel F. Royal was \$5,500.00, not "\$5,000.00." Furthermore, the amount requested from the Board by Daniel Royal for "Legislature Expenses for NVBHME" was \$5,302.25. The Board was never refunded the difference. Dr. Edwards stated that monies donated to the Homeopathic Board and to the NIRB are exempt from IRS taxation. Dr. Edwards and the Board are concerned that Dan Royal, as President of the Homeopathic Board during 2005, registered as a lobbyist representing the Homeopathic Board without Board approval during the 2005 Legislative Session. This action could jeopardize the IRS tax-exempt status of the Board. Diane Kennedy stated that "Resolution 2," if adopted by the Board, will show that the Board had not approved Daniel Royal to be a "lobbyist" for the Board

¹ Agenda Item 11 of the June 16, 2005 minutes approved by the Board: "David Edwards moved to reimburse expenses incurred by Dr. Daniel Royal and Dr. Dean Friesen in an amount not to exceed \$5,500.00." Seconded by Greg Fihn, and passed unanimously. (Emphasis added)

during the 2005 Legislative Session. Legal Counsel Ned Reed said that the Board could not require repayment of the money, but could ask for receipts.

Motion: Brent Hardy moved that Dan Royal provide receipts for the \$5,500.00 paid to him by the Board in June, 2005.

Second: Greg Fihn

Action: Passed with Fuller Royal, Diane Kennedy, and Daniel Royal abstaining.

D. Consideration of Dr. Phillip Minton's request for reinstatement of his license to practice homeopathic medicine in Nevada was deferred and will be continued as "Unfinished Business" during the next meeting.

E. This matter was discussed and acted upon during the February 9, 2006 meeting. NO ACTION.

Agenda Item 8. Fuller Royal stated that, as Secretary-Treasurer, he had requested copies of agendas, minutes, and recordings of all NIRB meetings from the NIRB, and had received none. Dan Royal defended the inaction of the NIRB, stating much of what has been requested is posted on the NIRB website, and some of the items, including recordings were not in the NIRB's possession. Dan Royal said this Agenda Item does nothing to solve problems (i.e., the lack of communication between the Board and the NIRB). President Friesen asked to whom the NIRB should send its communications. President Edwards said all communications should be sent to the NIRB Committee. Thirty (30) days was agreed upon by President Friesen and the Board members as satisfactory time for providing recordings, agendas, minutes, and documents of meetings.

Agenda Item 9. A discussion relating to posting agendas and minutes on the Board's website occurred. Fuller Royal clarified the approved policy of the Board for its website postings, which is: "Policy 12, Section 8: A library section providing past agendas, approved and adopted minutes of meetings of the Board, opinions of the Office of the Attorney General and the Legislative Counsel Bureau, Board declaratory judgments and a listing of current NRS 630A licensees and certificate holders;" Legal counsel Ned Reed agreed to prepare a statement during the next Board meeting as to what is required by NRS to be posted on the Board's website.

Agenda Item 10. Brent Hardy recommended that the Board and the NIRB hold a joint public meeting in the future.

Agenda Item 11. None scheduled at this time.

Agenda Item 12.

Motion: Brent Hardy moved the meeting be adjourned.

Second: Valerie Kilgore

Action: Passed

F. Fuller Royal, Secretary-Treasurer

Date:

(Meeting time was 1 hour and 30 minutes, beginning at 5:07 p.m. and ending at 6:37 p.m.)

Unfinished Agenda Items

Agenda 7 B. A written letter of response pertaining to the March 16, 2006 letter from Senator Michael Schneider to Paul V. Townsend, Legislative Auditor, prepared by Diane Kennedy and Ned Reed, the Board's legal counsel, was to be presented for Board review and approval.

Agenda 7 D. Consideration of Dr. Phillip Minton's request for reinstatement of his license to practice homeopathic medicine in Nevada was deferred and will be continued as "Unfinished Business" during the next meeting.