

NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

NOTICE OF PUBLIC MEETING AND AGENDA

PUBLIC BODY: NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

DATE OF MEETING: 27 January 2007

TIME OF MEETING: 9:00 a.m. Pacific Time

LOCATION OF MEETING: GRANT SAWYER STATE OFFICE BUILDING
555 E. Washington, Room 4401
Las Vegas, NV 89101

NOTICES POSTED: This **Notice of Public Meeting** and **Agenda** have been posted on or before 9:00 a.m. on the third working day prior to the Meeting at the following locations:

Washoe County Library, 301 South Center Street, Reno, NV 89505,
Bio Health Center, 615 Sierra Rose Drive, Suite 3, Reno, NV 89511
Board of Homeopathic Medical Examiners, 435 Court Street, Reno, NV 89501
Cancer Screening & Treatment Center, 521 Hammill Lane, Reno, NV 89511
Office of the Attorney General, 100 North Carson Street, Carson City, NV 89701
Office of the Attorney General, 555 East Washington Ave., Las Vegas, NV 89101
Sierra Integrative Medical Center, 380 Brinkby Ave., Reno, NV 89509
The Nevada Clinic, 3663 Pecos-McLeod Intersection, Las Vegas, NV 89121

In addition, the **Notice of Public Meeting** and **Agenda** was mailed or e-mailed to groups and individuals as requested.

AMENDED NOTICES AND AGENDA: With regard to any Board meeting, it is possible that an amended notice will be published adding new items to the original agenda. Amended notices will be posted, mailed and/or emailed in accordance with the Nevada Open Meeting Law.

NOTICE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to participate. If special arrangements are necessary, please call Executive Director Nancy Eklof at (775) 324-3353, as soon as possible so that suitable arrangements can be conveniently made.

CONFIDENTIALITY: This meeting may concern confidential investigative or personnel matters which may be discussed in executive (closed) session. In such event, all recommendations will be voted on in the open session, which will be part of the meeting.

MEMBER ITEMS: Members of the Board may raise potential agenda items. However, no action may be taken by the Board on any such item. Any potential agenda item requiring further action must be scheduled on a future Board Agenda.

ORDER OF AGENDA ITEMS: The Board wishes to notify the public that the Board may consider agenda items out of the order presented on the written Agenda, at the discretion of the Chairperson, to promote efficiency and as an accommodation to the parties involved.

PUBLIC COMMENT: The Board welcomes public comment. It is within the Board's discretion to take public comment during a public hearing on any Agenda item(s). If the Board permits public comment on any Agenda item(s), the Board may place limits on the amount of time permitted speakers during such public comment. Persons wishing to speak during the public comment period on items not on the Agenda may speak only after receiving recognition and consent of the Chairperson. In consideration of others, please avoid repetition and limit your comments to no more than three (3) minutes total. No deliberation or action may be taken on a matter not listed on the posted Agenda until the matter has been specifically included on an Agenda as an item.

CLOSED MEETINGS: In accordance with NRS 241.030(1), except as otherwise provided by law, the Board may hold a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

CONFLICT OF INTEREST: If an applicant, a licensee or a person from the public requests a Board member's abstention on an Agenda item based upon a perceived conflict of interest, that person must state his or her objection on the record before any discussion of the particular item.

MEMBERS OF THE BOARD AND STAFF: The following persons are either members of the Board or staff, as designated:

- Valerie Kilgore, Member and President
- Bruce Fong, Member and Vice President
- Fuller Royal, Member and Secretary-Treasurer
- Diane Kennedy, Member
- John H.O. LaGatta, Member
- Daniel Royal, Member
- Executive Director, Nancy Eklof
- Ned Reed, Deputy Attorney General, Counsel to the Board

ALL CELLULAR PHONES AND PAGERS ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE PRIOR TO THE AGENDA PROCEEDINGS.

AGENDA

A. Open Session.

- 1. Call to order. Valerie Kilgore, President. Time: _____ a.m.
- 2. Roll call and determination of a quorum.
- 3. Verification of Posting and Mailing.
- 4. Welcome all visitors.
- 5. The Chair will set the time for adjournment. Time: _____ p.m.
- 6. Approval of the Agenda for this meeting. **(Discussion/Action)**.

B. Applicants for Licensure and Certification.

20 min.

- 1. Doris J. Rapp MD (H) (Arizona). Applicant for HMD license by reciprocity pursuant to NRS 630A.280; interview to be conducted following review and approval of her application; applicant is currently licensed to practice homeopathic medicine in Arizona. **(Discussion/Action)**.
- 2. Sam Winter DO (Nevada). Applicant for HMD license; examination to be administered; after review and approval of his application; interview to be conducted after his examination; a vote is to be taken to approve/disapprove license. **(Discussion/Action)**.
- 3. Tatiana Dickinson MD (Russia). Applicant for an APH certificate; examination to be administered after review and approval of her application: after examination is complete the applicant is to be interviewed and a vote taken as to approve/disapprove certificate. **(Discussion/Action)**.
- 4. Debbie Bolda MA. Applicant for an HA certificate; examination to be administered after review and approval of her application: after examination is complete the applicant is to be interviewed and a vote taken as to approve/disapprove certificate. **(Discussion/Action)**.
- 5. Hilary Dudley MA. Applicant for an HA certificate; re-examination to be administered after review and approval of her application: after examination is complete the applicant is to be interviewed and a vote taken as to approve/disapprove certificate. **(Discussion/Action)**.

C. Executive Business.

1. Today's meeting to be conducted under **Robert's Rules of Order, 10th Edition**, in all business of the Board in which those Rules are not in conflict with any part of NRS 241, NRS 630A, NAC 630A, or any other provision of the Nevada Revised Statutes. The Chair or Board members may vote to suspend the Rules for taking Agenda items out of order if circumstances require such. **(Discussion/Action)**.
2. Introduction of new Board member. Administration of the Oath/Affirmation as required pursuant to NRS 630A.130. **(Discussion/Action)**.
3. Review and approve the Minutes of the November 16, 2006, meeting of the Board. **(Discussion/Action)**. 5 min.
4. Review and approve the Minutes of the December 14, 2006, meeting of the Board. **(Discussion/Action)**. 5 min.
5. Review and approve the Minutes of the December 20, 2006, meeting of the Board. **(Discussion/Action)**. 5 min.
6. Election of Officers; duties of Officers and Board Members: (NRS 630A.140; The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer. Elected officers begin their term at the close of this meeting. The officers of the Board hold their respective offices during its pleasure. Board may also consider and vote on term for officers. (Article 2, Section 4, page 10, Board Policy and Bylaws) **(Discussion/Action)**. 10 min.
7. Annual Reports from all BHME Committees required pursuant to Article 5, Section 3, page 14 of the Policy and Bylaws Manual:
 - a. Executive Committee. Valerie Kilgore.
 - b. Policy and Bylaws Committee. Nancy Eklof.
 - c. Fiscal-Finance Committee. Diane Kennedy.
 - d. NIRB Committee. Diane Kennedy
 - e. NAC 630A Committee. Fuller Royal.
 - f. NRS 630A committee John H.O. La Gatta.
 - g. Complaint Committee. John H.O. La Gatta
 - h. Education Committee. Fuller Royal.
 - 1) Report on # applicants during 2006.
 - 2) Status of preparation of examinations.
 - 3) Status of applicant preparation for examination.
 - 4) Changes in requirements for applying for license.
 - i. Compliance Audit Committee.

All of the above items are **Discussion Only**.15 min.
8. President's Report. **(Discussion)**. 5 min.
9. Vice President's Report. **(Discussion)**. 5 min.
10. Secretary-Treasurer's Report. Fuller Royal.
 - a. LCB Audit report and Fuller Royal's response on behalf of the Board. Board to develop and submit a corrective action plan by March 14, 2007. Board to draft and submit a status report by August 14, 2007. **(Discussion/Action)** 5 min.
 - b. Review of Open Meeting Law violation complaints submitted to the Office of Attorney General by Daniel Royal and Robert Gentry. Conclusions of the Office of Attorney General. Corrective action to be discussed and acted upon. **(Discussion/Action)** 5 min.
 - c. Review of finances and budget. 630A.160(6). Present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee to pay attorney's fees for cost of investigation/litigation (Former applicant's lawsuit). **(Discussion/Action)** 5 min.
 - d. Current status of the NIRB. **(Discussion/Action)**

- e. All Board officers must sign their names on Official stationary containing the Board’s letterhead and the State Seal , which will be used to authenticate the signers of a check requiring two signatures pursuant to Article 2 Section 2 of the Bylaws. Review, modify, if necessary, and adopt form letter. **(Discussion/Action).** 2 min.
 - f. Budget. Current Bank Balance. Outstanding Debt to the Office of Attorney General. **(Discussion/Action).** 5 min.
 - g. Review, discuss, and act on Daniel Royal’s 8 December 2006 letter requesting “Salary Reimbursement for 2006 of \$1048.” **(Discussion/Action).**
 - h. Review, discuss, and act on Daniel Royal’s 15 December 2006 letter requesting “Salary Reimbursement for 2006 of \$1128.90.” **(Discussion/Action).** 5 min.
 - i. Annual report to the Legislature (NRS 630A.155 (6)). Fuller Royal
11. Executive Director. Recommendations to the Board for upgrades in office equipment. Board to consider a contract with Nancy Eklof to continue as Executive Director as an independent contractor. **(Discussion/Action)** 10 min.
- D. Miscellaneous.
- 1. Request for Declaratory Judgment from Dr. Doris Rapp and Dr. Geoffrey Radoff. Are physicians allowed to provide treatment for children with autism (ASD) living outside Nevada without requiring the children to be transported to Nevada for in-office evaluation and treatment? **(Discussion/Action)** 5 min.
 - 2. Complaints filed against licensees and certificate holders. **(NRS 630A.400** 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board . . .). The allopathic Board (BME) refuses to forward homeopathic related complaints against NRS 630 licensees who are also licensed under NRS 630A to the Homeopathic Medical Board. Consider filing a complaint with the appropriate authorities. **(Discussion/Action)** 5 min.
 - 3. Requests for agendas, minutes and recordings of allopathic committee meetings. The allopathic Board committee meetings are neither noticed publicly nor open to the public. The allopathic Board does not provide the public with committee meeting agendas, does not keep minutes of transactions, and does not record committee meetings. Some dually licensed physicians are being investigated for using homeopathic therapies in their practices. Consider filing a complaint with the appropriate authorities. **(Discussion/action)** 5 min.
- E. Board to consider retaining a legislative counselor to keep the Board informed on legislative action affecting the Board. John La Gatta. Board to consider granting authority to the President to make decisions on legislative actions in consultation with the legislative counselor. **(Discussion/Action).** 5 min.
- F. Continuation of Consideration of Dr. Phillip Minton’s request for reinstatement of his license to practice homeopathic medicine in Nevada. **(Discussion/Action).** 5 min.
- 1. Vote on whether to proceed in closed session. Closed session is allowed to consider the character and professional competence of Dr. Minton in regards to his request for reinstatement of his license. **(Discussion/Action).**
 - 2. Open Session—Vote on whether to accept or reject any recommendations of the Board members with respect to approving or rejecting Dr. Phillip Minton’s request for reinstatement of his license. **(Discussion/Action).**
- G. Applicants for license/certification to be interviewed following completion of the written exam: 30 min.

1. Vote on whether to proceed in closed session. Closed session is allowed to consider ~~the~~ character and professional competence. The Board may administer an oral examination that will be graded on a “pass/fail” basis. A passing score on an oral examination shall be counted as a six (6%) percentage point addition to the applicant’s written examination score. (Policy 6, Section 3) **(Discussion/Action)**.
2. Open Session—Vote on whether to accept or reject any recommendations of the Board members with respect to approving or denying the applicants for licensure/certification. **(Discussion/Action)**.

H. Public Comment. **(Discussion only)** 10 min.

I. Agenda Items for Next Meeting.

1. Board to consider additions in *bold italics* and deletions in brackets ~~[strikethrough]~~ during the next Board meeting

Article 5. Section 12: Compliance Audit Committee: A Compliance Audit Committee shall be appointed by the President. Committee duties shall be to *assist public or private auditors in maintaining all procedural and financial requirements necessary to be in full* ~~[and survey the practices of licensees and certificate holders for]~~ compliance with NRS 630A and NAC 630A. The *Vice President shall be a member and Chair the* Compliance Audit Committee. *The Committee shall meet with the Policy and Bylaws Committee annually, or more often if necessary, to recommend additions/deletions or new language to the Policy and Bylaws Manual as needed pursuant to* ~~[has the full power to act on]~~ all matters within ~~[its respective areas of business as found in]~~ this ~~P[ol]i~~~~c~~~~y~~ ~~M[an]u~~~~al~~, the Board ~~B~~~~y~~~~l~~~~a~~~~w~~~~s~~, NRS 630A, *NRS 241, [or] NAC 630A, or within any other Nevada statute or code, including the State Administration Manual (SAM), the Government Accountability Office requirements, and the Board and Commission Manual.* The Compliance Audit Committee shall be subject to the orders of a majority vote of the Board *during any regular or called meeting at which a quorum is present* ~~[and none of its acts shall conflict with any order of or action taken by majority vote of the Board]~~. All *recommendations* ~~[compliance audits and]~~ *for Board actions believed necessary to sustain the Board in fulfilling its legislative mandate to protect the public and advance alternative and complementary integrative medicine (CIM) in Nevada shall become priority agenda items during every Board meeting until resolved to the satisfaction the Board as determined by a majority vote of the Board during a regular or called meeting at which a quorum is present* ~~[taken by the Committee shall be reported to the Board]~~; **(Discussion only)**. 3 min.

2. Board to consider deleting the following language in brackets ~~[strikethrough]~~ during the next Board meeting:

Article7 Section 1: If a board member files or aids and abets another to file an open meeting law complaint with the Attorney General’s Office or any other complaint with a governmental agency, other than a complaint constituting grounds for disciplinary action pursuant to NRS 630A.390, pertaining to a Board action or inaction, or the conduct of a Board officer or the Executive Director, and the complaint is deemed to be without merit ~~[by the Attorney General’s Office or other governmental agency considering it]~~, the Board may separately review this complaint to determine if the complaint was frivolous. If, after a meeting, the Board determines that the complaint was frivolous, it may impose upon the Board member the discipline allowable in section 2 of this article. **(Discussion only)**. 5 min.

J. Complaints against NRS 630A licensees need to be resolved. Ned Reed. Several complaints have been received by the Office of Attorney General pertaining to NRS 630A licensees. The Board may need to delegate its authority to a hearing officer or panel because of possible conflicts of interest among Board members. (NRS 630A.160 (5) and NRS 233B.122). **(Discussion/Action)**. 5 min.

K. Announcements; Next Meeting Date **(Discussion/Action)**.

L. Adjournment **(Discussion/Action)**. (Time: _____p.m.)