

**AMENDED AGENDA**  
**OF THE ANNUAL MEETING OF THE**  
**NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**  
**NOTICE OF PUBLIC MEETING AND AGENDA**

PUBLIC BODY: **NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

29 February 2008

TIME OF MEETING: 1:00 p.m. Pacific Time

LOCATIONS OF MEETING: Best Western Airport Plaza  
1981 Terminal Way  
Reno, NV 89502

NOTICES POSTED: Notices of this meeting have been posted 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, 6512 South McCarran, Suite E, 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:

Fuller Royal, MD, HMD, Member and President  
Valerie Kilgore, Member and Vice President  
Bruce Fong, DO, HMD, Member and Secretary-Treasurer  
Diane Kennedy, Member  
Daniel Royal, DO, HMD, Member  
Cyrus Pourzan, MD, HMD, Member  
Leticia Gardea, Member  
Executive Director, Nancy Eklof  
Nancy Savage, Senior 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. Fuller Royal, President.
  2. Roll call and determination of a quorum.
  3. Welcome all visitors.
  4. The Chair will set the time for adjournment. \_\_\_\_\_ p.m. Pacific Time
  5. Approval of the Agenda for this meeting. **(Discussion/Action).**
- B. Minutes of previous meeting, 20 December 2008. **(Discussion/Action).** 5 min.
- C. Applicants for Licensure and Certification; Request for Change in APH Supervision.
1. Deborah Inskip, RN. Applicant's application for APH certification was found to be in order by the Secretary-Treasurer; examination to be taken during the Board; report from the Secretary-Treasurer as to the applicant' passed or failed his examination (76% is a passing grade); protocol prepared by supervising physician, Robert A. Eslinger, DO, HMD, to be reviewed and acted upon by the Board; interview the applicant. **(Discussion/Action).** 5 min.
  2. George A. Eversaul, MFT. Applicant's application for APH certification was found to be in order by the Secretary-Treasurer; examination was proctored and taken in Las Vegas on Friday, 25 January 2008; report from the Secretary-Treasurer as to the applicant' passed or failed his examination (76% is a passing grade); protocol prepared by supervising physician, F. Fuller Royal, MD, HMD, to be reviewed and acted upon by the Board; interview the applicant. **(Discussion/Action).** 5 min.

3. Change requested for APH supervision. Board to review protocol and take action pursuant to:

a. Thomas Lee, APH; supervision to be transferred from James Forsythe, MD, HMD to Bruce Fong DO, HMD. **(Discussion/Action)**

5 min.

b. Magid Magid, MD, HMD supervision to be transferred from Bruce Fong, DO, HMD to Corazon Ibarra, MD, HMD. **(Discussion/Action)**

5 min.

D. Executive Business.

1. Today's meeting is to be conducted under **Robert's Rules of Order, 10<sup>th</sup> 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. Annual Reports from all BHME Committees required pursuant to Article 5, Section 3, page 14 of the Policy and Bylaws Manual (See **Agenda supplement D2**):

a. Executive Committee: Fuller Royal. **(Discussion)**.

b. Education Committee (Standing Committee): Bruce Fong DO, HMD, Chair, Fuller Royal, MD, HMD, Leticia Gardea.

1) Report on # applicants for licensure/certification during 2007. **(Discussion)**.

2) Status of preparation of examinations. **(Discussion)**.

3) Status of applicant preparation for examination. **(Discussion)**.

4) Changes in requirements for applying for license/certificate. **(Discussion)**.

5 min.

c. Investigative Committee (Standing committee; See **Agenda supplement D2c**): Cyrus Pourzan MD, HMD, Chair, Diane Kennedy, Leticia Gardea; Report regarding results of most recent complaint(s); number and status of complaints against licensees filed with the Board, but unresolved; recommendations to the Board for Board action. **(Discussion/Action)**.

d. Financial Committee report; Secretary-treasurer's report:

i. Financial Committee (Ad Hoc): Diane Kennedy Chair, Bruce Fong, DO, HMD, Nancy Eklof, Mylan Hawkins The Committee will discuss the Board's financial position with the Office of the Attorney General, and may present the Board with recommendations or resolutions for taking action to reduce or eliminate its current debt. The Committee may present other financial matters, without limitation, for Board consideration and action. **Discussion/Action)**.

15 min.

ii. Secretary-Treasurer's Report. Bruce Fong, DO, HMD. Review of finances and budget for 2008 (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); work with the Finance Committee and the Office of Attorney General to obtain a satisfactory reduction/settlement of legal services provided since 1 July 2005. **(Discussion/Action)**.

10 min.

e. Policy Manual Committee: Nancy Eklof, Chair, Fuller Royal, MD, HMD.. Additions/deletions/new language to the Policy and Bylaws are presented for

5 min.

Board discussion, consideration and approval at the next Board meeting (See **Agenda supplements D2e**). **(Discussion)**.

f. NRS 630A Committee: Fuller Royal, MD, HMD; Chair, Bruce Fong, DO, HMD. The Committee will report recommendations and may present resolutions in regards to planning Bill Drafts for the 2009 Legislative Session (See **Agenda supplement D2f**). **(Discussion/Action)**. 5 min.

g. NAC 630A Committee: Fuller Royal, MD, HMD, Chair, Bruce Fong, DO, HMD. The Board will consider, discuss and take action on proposed regulations for additions/deletions and/or new language for chapter 630A of NAC after receiving recommendations or resolutions from the Committee (See **Agenda supplement D2g**). **(Discussion/action)**. 5 min.

3. President's Report.

a. Six-month report on the audit of the *Board of Homeopathic Medical Examiners* presented to the Audit Subcommittee of the Legislative Commission at 9:30 a.m. on 29 February, 2008. The Board may take action to complete any recommendations of the Audit Subcommittee (See **Agenda Supplement D3a**). **(Discussion/Action)**. 5 min.

b. Survey Questions for the Board from the Subcommittee of the Legislative Committee on Health Care to Review Laws Concerning Providers of Health Care, the Use of Lasers and Intense Pulsed Light Therapy, and Injections of Cosmetic Substances (See **Agenda Supplement D3b**). The Board may want to be more active in support of the Subcommittee. **(Discussion/Action)**. 5 min.

4. Vice President's Report. **(Discussion)**.

E. Executive Director's Report.

1. Recommendations to the Board for upgrades in office equipment. **(Discussion/Action)**. 5 min.

2. Any other matters that the Executive Director may present to the Board for possible action, such as, but not limited to, office equipment, supplies, website activities, unfinished Board business, etc. **(Discussion/Action)**. 5 min.

3. Open Meeting Law Complaint (AG File No. 08-002); letter from the Office of Attorney General pursuant to a complaint filed for alleged violations of NRS 241.033 during the December 20, 2007 meetings. Senior Deputy Attorney General George Taylor writes in his 15 February 2008 letter to the Board: 15 min.

"Similarly, there were then eight successive motions made by member Pourzan which must be addressed in the February 29, 2008 meeting. These eight matters, all of which were approved, save one, authorized the chairman of the BHME complaint committee to take any and all action including legal action against the Office of the Attorney General to (1) obtain copies of all complaints filed with BHME remaining unresolved; (2) obtain written summaries of unresolved complaints; (3) obtain a written summary of work, to date, performed by the Attorney General's Office of any unresolved complaint; (4) obtain copies of all investigative and evidentiary materials, of any nature whatsoever, that relate to any unresolved BHME complaint; (5) obtain a

list of witnesses or persons who may have provided information of any nature whatsoever to the Office of the Attorney General in relation to any unresolved BHME complaint; (6) obtain a written opinion from the Office of the Attorney General setting forth the position and proposed course of action in relation to any unresolved BHME complaint, and (7) authorized the president and secretary-treasurer to act in concert with the chairman of the complaint committee in the event that legal action is taken. Member Pourzan's eighth motion was withdrawn after discussion by the members." (Page 2, paragraph 2)

The seven (7) motions approved during the 20 December 2007 meeting were as follows:

5 min.

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action, in order to obtain a copy of every Complaint that has been filed with the Board that still remains outstanding and unresolved

**Second:** Fuller Royal

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action, in order to obtain a written summary from the Office of the Attorney General setting forth the current status of any Complaint that still remains outstanding and unresolved.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action in order, to obtain a written summary of the work, to date, of the Office of the Attorney General in relation to any Complaint that still remains outstanding and unresolved.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action, in order to obtain Copies of all investigative and evidentiary materials, of any nature whatsoever, that have been developed by the Office of the Attorney General that relate to any Complaint that still remains outstanding and unresolved.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action, in order to obtain a list of any and all witnesses or persons who have provided information, of any nature whatsoever, to the Office of the Attorney General in relation to any Complaint that still remains outstanding and unresolved. This list must contain contact information for all such persons so that the Complaint Committee is able to contact

them directly, *which action is within the limits of the applicable statutes governing such.*(Added by Leticia Gardea and approved by Cyrus Pourzan and Fuller Royal)

**Second:** Fuller Royal

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the Chairman of the Complaint Committee to take any and all action, including taking legal action, in order to obtain a written opinion from your office setting forth the position of the Office of the Attorney General in relation to any Complaint that still remains outstanding and unresolved. This opinion shall set forth not only the opinion of the Office of the Attorney General as to the validity of any such Complaint but also the course of action that the Office of the Attorney General intends to take in relation to any such Complaint.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the President and/or the Secretary-Treasurer to act in concert with the Chairman of the Complaint Committee in the event that legal action is taken.

**Second:** Diane Kennedy

**Action:** Passed with Fuller Royal, Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voting "Aye."

**Motion:** Cyrus Pourzan moved that the Board authorize the engagement of outside legal counsel in the event that the Office of the Attorney General continues to be unresponsive.

Leticia Gardea suggested tabling this motion. Dr. Pourzan explained the importance of his motion. After further discussion, Dr. Pourzan withdrew his motion.

The Office of Attorney General has informed the Board it must cure the violations. The Open Meeting Law allows public bodies to cure violations and avoid enforcement action by the Office of the Attorney General. The Board can either rescind or re-vote matters that were previously violations of the Open Meeting Law during the December 20, 2007 telephone meeting (See **Agenda Supplements E3**). **(Discussion/Action).**

F. Election of Officers; duties of Officers and Board Members: (See **Agenda supplement F**) The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer. Elected officers begin their term July 1, 2008 and ends June 30, 2009 (NAC 630A.025).

15 min.

**(Discussion/Action).**

G. Public Comment.

**(Discussion).**

15 min.

H. Announcements; Set the Date, Time and Location of next Board Meeting **(Discussion/Action).**

I. Adjournment

**(Discussion/Action).**

Time of Adjournment \_\_\_\_\_ p.m. Pacific Time