

NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

SPECIAL PUBLIC MEETING

Thursday, 12 April 2007

CANCER SCREENING & TREATMENT CENTER

521 Hammill Lane

Reno, NV 89511

MINUTES

A. Open Session.

1. Meeting was called to order by President Valerie Kilgore at 6:10 p.m. Pacific time.
2. A quorum of members were present as determined by roll call:

Valerie Kilgore, Member and President
Fuller Royal, Member and Vice President
Bruce Fong, Member and Secretary-Treasurer (by phone from Chicago, IL.)
Diane Kennedy, Member
Daniel Royal, Member (joined the meeting 65 minutes after the meeting had begun)
Cyrus Pourzan, Member
Leticia Gardea, Member
Executive Director, Nancy Eklof
Ned Reed, Senior Deputy Attorney General, Counsel to the Board

3. The following visitors were in attendance:

Tiffany van der Stokker
Marie Royal
John H.O. La Gatta
Dennis Grover (Liberty and Justice for All Television)
Joe Brown
Shannon Brown
Dr. David Holt
Gregg Koechlein
Robert Field, APH
Dr. Bob Eslinger
Debbie Pourzan
Robert Gentry
Babette Clough, APH
Dr. Jim Forsythe
Tom Lee, ND, APH
Inge Gerber, HA
Dr. Michael Gerber
Susan Skuba
Hans Frischeisen
MaryLee Brodie
Dean Friesen

The Chair declared the meeting to be adjourned when all of the business of the Board had been completed.

Motion: Fuller moved to accept the agenda.

Second: Cyrus Pourzan

Action: Passed by unanimous vote

B. Executive Business.

2. Leticia Gardea was introduced as the newest member of the Board. The Oath of Office was administered to Ms. Gardea by Fuller Royal pursuant to NRS 630A.130. Ms. Gardea was welcomed as a Board member.

3. The Minutes of the 10 March 2007 meeting were reviewed by the Board.

Motion: Cyrus Pourzan moved to accept the minutes of 10 March 2007.

Second: Fuller Royal

Action: Passed with Ms. Gardea abstaining, as she did not attend the 10 March 2007 meeting.

4. a. Prior to proceeding with discussion/action regarding removal of Homeopathic Medical Board billing records from the Office of Attorney General, **Diane Kennedy** asked to have the following statement entered into the minutes for this meeting:

Madam Chairman,

Nancy Eklof, Executive Director, explained a breach of privacy of the Board, NRS 630A licensees and certificate holders wherein the Board's Attorney General Bills were released without Board authorization in an unredacted form. Ms. Eklof stated she discovered the breach on 27 March 2007 in a phone conversation with a clerk of the Accounting Division of the Office of Attorney General. The accounting clerk said she had provided copies of detailed Attorney General billing fees pertaining to the Homeopathic Medical Board for several months to a man she believed to be a courier for Dr. Daniel Royal, member of the Homeopathic Medical Board. The person to whom the information was given on 21 March 2007 was determined to be Dean Friesen. Mr. Friesen said copies of the fees were being requested by Board Member Daniel Royal. Diane Kennedy commented she had considerable difficulty in obtaining copies of the Attorney General fees in the past, which she needed as Chairperson of the Board's Finance Committee. She was assisted by auditors from the Legislative Counsel Bureau and the Board's Deputy Attorney General. The bills were shredded immediately after she had obtained the information needed for her Committee and the Board.

Senior Deputy Attorney Ned Reed said Daniel Royal had contacted the accounting division of the Office of Attorney General in the past, and the staff was familiar with his name. Mr. Reed said the Office of Attorney General has revised the procedures for obtaining this information to safeguard and prevent any similar release of information in the future.

During his deposition given to the AGO on 10 April 2007, Dean Friesen testified he had obtained the records for Senator Schneider, who distributed them to other legislators. Although these are considered to be public records, any confidential information should be redacted before being made public.

Dr. Bruce Fong was concerned there could be a violation of Federal law (HIPPA). He and other Board members had received an 11 April 2007 e-mail from Mr. Tim Bolen. The last sentence indicates Mr. Bolen had copies of the Office of Attorney General fees: "[Why isn't the expenditure reported in the Attorney General's billing?](#)" This indicates a serious violation of HIPPA law, Mr. Bolen having examined the bills.

Mr. Reed said accounting division of the Office of Attorney General sent Daniel Royal the Homeopathic Medical Board fees by e-mail. Dr. Cyrus Pourzan asked the Board's legal counsel if any information of a personal nature, such as name, social security number, etc., would be found in the Attorney General Fees record. Mr. Reed answered, "Yes." Dr. Fong, Dr. Pourzan and Mr. Reed discussed before members of the Board whether or not Dr. Daniel Royal could be held responsible for disseminating the fee report with others.. Dr. Pourzan reviewed a document with the Board, United States Department of Health and Human Services, OCR Privacy Brief, Summary of the HIPPA Privacy Rule.

Motion: Fuller Royal moved to have read into the record the Executive Director's Declaration as to events surrounding her discovery of the breach of privacy of the Office of Attorney General fees pertaining to the Board, her letter to Attorney General Masto, her memo to all licensees and certificate holders, and her letter to Governor Gibbons.

Dr. Pourzan asked Dr. Fuller Royal if he could yield the floor to amend the motion. Dr. Royal yielded to Dr. Pourzan, who proposed to include in the motion a letter from President Valerie Kilgore to Attorney General Masto, with copies to Governor Gibbons and to certain

members of both houses of the legislature regarding this matter. The letter needs to include, but shall not be limited to the following items:

- a. The need for a complete and thorough investigation as to how the Office of Attorney General allowed this information to be released;
- b. An investigation that will define exactly how many times information was released and to whom it was released;
- c. An investigation into all persons known as to who received this information or is believed to have received this information or from any source whatsoever;
- d. An investigation into the allegations Dean Friesen as articulated in his examination conducted on April 10, 2007, namely that the most recent release of information was on April 7, 2007 to Senator Michael Schneider;
- e. The issuance of a subpoena to Senator Michael Schneider requiring him to produce all documents he has received, as well as all copies thereof, a list of all persons he has disseminated this information to, and requiring him to explain the reasons for his actions alleged by Dean Friesen under oath;
- f. A request for an injunction and restraining order to be filed in the District Court by the Office of Attorney General that will require all recipients of this information to return them immediately to the Office Attorney General and to cease and desist from any further use of this privileged information;
- g. A request that the Office of the Attorney General to file a motion to comply, based on Dr. Dan Royal and Dean Friesen's failure to comply with the Subpoena issued on April 10, 2007, as well as seeking a filing of contempt against both of them;
- h. The Office of Attorney General issue an order to all persons who have received or viewed this information to verify under penalty of perjury that they have returned all copies and summaries of this information that is in their possession to the Office of Attorney General; and
- i. A request that the Office of Attorney General formally adopt a policy that will prevent the occurrence of such an event in the future.

Senior Deputy Attorney General Ned Reed suggested a letter requesting Dean Friesen and Dr. Daniel Royal visit those to whom they distributed this information, obtain and return it, before filing legal actions. Dr. Pourzan asked if any delay in retrieving this information be construed as negligence on the part of the Board or the State because of continued exposure of sensitive personal private information in violation of Federal law. Although Mr. Reed agreed with the proposed actions of the Board, he felt the Board should first try to get the individuals to voluntarily return the information. Dr. Fong expressed his concerns of delaying action because of two Bill Draft Requests being considered by the legislature, both of which will strongly affect the Board. Ms. Leticia Gardea also expressed concerns that this information could be in the "wrong hands." She suggested a brief delay in time before taking strong action. Diane Kennedy said Dean Friesen has refused to return any documents on advice of his legal counsel. Furthermore, numerous copies have been distributed everywhere, including the press. She reviewed the process of filing a complaint, and the care taken to protect the privacy of the complainant and the physician involved. She reminded there are bills from 2002 until the present that contain sensitive information such as this. Dr. Fong asked Mr. Reed if Diane Kennedy's statement was correct and he said, "Yes." Dr. Fong asked for a vote on the motion.

Dr. Fuller Royal asked Dr. Pourzan to withdraw his motion from the motion Dr. Royal made, and to make his motion separately (to avoid confusion due to the different natures of the motions). Dr. Pourzan agreed.

Fuller Royal restated his motion.

Second: Dr. Pourzan

Action: passed unanimously

Dr. Pourzan asked Mr. Reed if Dean Friesen produced any of the information for which he was subpoenaed, and Mr. Reed confirmed that Mr. Friesen did not comply with that part of the subpoena and would not produce the information in the future. Diane Kennedy reminded the Board Dr. Daniel Royal did not appear before Mr. Reed for his deposition, but did send a communication to the Board office and to the Office of Attorney General protesting the subpoena immediately prior to the time his appearance was required on 10 April 2007. Mr. Reed agreed to produce the communication from Daniel Royal for inclusion the minutes, along with the letter sent to the Board office.

Also note: Motion is on file in writing in its original form.

Motion: Dr. Pourzan moved the Board accept his motion (above).

Second: Fuller Royal

Action: Passed unanimously

1. The aforementioned Declaration is as follows:

Declaration of Nancy Eklof

I, Nancy Eklof, declare and state as follows:

1. I am the current Executive Director for the State of Nevada Board of Homeopathic Medical Examiners (the "Board"). My duties include, but are not limited to, the receipt and processing of Invoices from the State of Nevada's Office of the Attorney General which contain highly confidential information regarding Licensees and Certificate Holders under the jurisdiction of the Board and certain physician/patient privacy information as well as maintaining the absolute confidentiality of all of the same. I am also responsible for receiving and processing any and all Complaints filed against the various Licensees and Certificate Holders under the jurisdiction of the Board and maintaining the absolute confidentiality of the same not only as to the Licensee and/or Certificate Holder but as to the patient filing the Complaint as well.

2. In maintaining the confidentiality of the items referred to in Paragraph 1, above, I am bound as a fiduciary not to disclose these things to anyone, even an actual Board Member, unless I have been provided with the requisite waivers and approvals due to the fact that these things contain highly confidential information regarding the Licenses and Certificate Holders under the jurisdiction of the Board as well as the privacy of these patients, which such privacy is mandated by the Federal Law known as HIPPA. The only person that I can freely discuss matters with is the Deputy Attorney General assigned to function as legal counsel to the Board.

3. On March 27, 2007 I contacted Diane Grass at the State of Nevada Office of the Attorney General's Billing Department to inquire as to the status of certain invoices that I believed to be missing from the Board's files for Accounts Payable.

4. During the course of the conversation held on March 27, 2007, Ms. Grass apprised me of the fact that unredacted copies of the Board had recently been provided to one Dean Friesen who is not a Member of the Board nor is he in anyway whatsoever associated with it.

5. I immediately asked Ms. Grass how such an error and breach of confidentiality could have been made.

6. Ms. Grass told me that Dr. Daniel F. Royal, who is a member of this Board, authorized her to provide copies of these unredacted invoices to Dean Friesen.

7. Dr. Royal is no longer an Officer of this Board and has not been such since this Board removed him as President at a public meeting held by this Board for various reasons all of which the Board found to be valid.

8. To the best of my knowledge and belief no current Officer of this Board nor current Deputy Attorney General representing this Board was aware of the actions of Dr. Daniel F. Royal or those of Dean Friesen nor am I aware of any authority being granted to Dr. Daniel Royal and/or Dean Friesen by any officer of this Board or the Board as a whole which would allow them to come into possession of this highly confidential and privileged information.

9. I immediately contacted certain Officers and Members of this Board to apprise them of this breach of confidentiality and patient privacy.

10. I immediately contacted the Legal Counsel of this Board to apprise him of this breach of confidentiality and patient privacy.

I declare under the penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge and belief and that this Declaration was executed on March 28, 2007, at Reno, Nevada.

Nancy Eklof

2. Executive Director's **letter to Attorney General Masto** is as follows:

Jim Gibbons, *Governor*
Valerie Kilgore, *President*
F. Fuller Royal, *Vice President*
Bruce Fong, *Secretary-Treasurer*



Diane Kennedy, *Member*
Daniel Royal, *Member*
Cyrus Pourzan, *Member*

STATE OF NEVADA

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

March 28, 2007

Catherine Cortez-Masto, Esq.
Attorney General for the State of Nevada
100 N. Carson Street
Carson City, NV 89701

VIA: ELECTRONIC MAIL WITH CONFIRMATION VIA U.S. MAIL

Re: Breach of Confidentiality of Attorney General Invoices issued by the Office of the Attorney General to the State of Nevada Board of Homeopathic Medical Examiners

Dear Attorney General Cortez-Masto:

I am the Executive Director of the State of Nevada Board of Homeopathic Medical Examiners and am writing this letter to you to apprise you of a most serious occurrence in the Office of the Attorney General of this State that I only discovered yesterday, March 27, 2007

As you will see from the text of this letter and the contents of my Declaration that is included herewith, there has been a most serious breach of this Board's right to the maintenance of complete confidentiality in regards to its Invoices from the Office of the Attorney General as well as a potentially grave violation of the rights of patients, under Federal Law, that are being treated by practitioners licensed by the State of Nevada Board of Homeopathic Medical Examiners.

I have, as of this date, notified all of our Licensees and Certificate Holders of this breach and the potential ramifications that may result from it so that this Board can at last begin to effect some measure of damage control over the results of the acts of the two individuals who perpetrated this serious breach of confidence and privacy.

As stated previously, yesterday, March 27, 2007, I became aware of a potentially terrible breach of the rights to privacy and confidentiality of our Licensees and Certificate Holders as well as those of their patients as mandated by the Federal Law known as HIPPA. In the course of a conversation with a person in the Billing Office of the Office of the Attorney General of the State of Nevada, I was apprised of the fact that one Dean Friesen has obtained unredacted copies of this Board's Invoices from the Office of the Attorney General of the State of Nevada for a yet unknown period of time. However, I believe that this period of time is significant and could extend back as far as three or four years.

When I asked how such an error could have occurred and to whom these unredacted Invoices were delivered to, I was given this answer. They were delivered to Dean Friesen under the authority of Dr. Daniel F. Royal who is a Member, but not an Officer of this Board. Dr. Daniel F. Royal was not granted any authority by any Officer of this Board or the Board as a whole to authorize the delivery of this highly confidential information to a person such as Dean Friesen. I am sure that you can immediately recognize the egregious nature of not only the act of obtaining these documents but the immense number of possible problems

that could result from the potential dissemination of the highly confidential information contained in these documents.

Accordingly, I most respectfully request that your Office immediately commence a full and thorough investigation of how this matter occurred, identify the persons responsible, take any action that you believe to be necessary and cause Dr. Daniel Royal and Dean Friesen to immediately return all documents that they have wrongfully obtained, any all photographic or electronic copies that may have been made of the same, and any written summary thereof or any electronic summary thereof pertaining to the State of Nevada Board of Homeopathic Medical Examiners to your Office.

I would also ask that these two individuals be required to deliver to your attention declarations made under penalty of perjury, under the Laws of the State of Nevada, that the following has been accomplished: (i) all original copies of these documents have been returned to your Office; (ii) that any photographic copies of these documents have either been completely destroyed or have been returned, in their entirety, to your Office; (iii) that any notes or summaries, whether electronic or handwritten have been either been destroyed or have been returned, in their entirety, to your Office; and lastly (iv) that these two individuals provide your Office with a complete list of any and all persons, organizations and/or entities that have either come into possession of these documents in some form, who have seen some form of these documents, their photographic or electronic copies, any written summary or any electronic summary so that your Office can contact all such persons, organizations and/or entities of the need to immediately return any and all such materials in their possession to your Office.

Thank you in advance for your attention and assistance in this most serious matter.

Sincerely,

Nancy Eklof
Executive Director
State of Nevada Board of Homeopathic Medical Examiners

cc: Governor Jim Gibbons

3. Executive Director's **memo to all licensees and certificate holders** is as follows:

Jim Gibbons, *Governor*
Valerie Kilgore, *President*
F. Fuller Royal, *Vice President*
Bruce Fong, *Secretary-Treasurer*



Diane Kennedy, *Member*
Daniel Royal, *Member*
Cyrus Pourzan, *Member*

STATE OF NEVADA

BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

MEMORANDUM FROM THE OFFICE OF THE EXECUTIVE DIRECTOR

DATE: March 28, 2007

FROM: Nancy Eklof, Executive Director, State of Nevada Board of Homeopathic Medical Examiners

TO: All Licensees and Certificate Holders of the State of Nevada Board of Homeopathic Medical Examiners

RE: Breach of Confidential Information Related to all Licensees and Certificate Holders

Dear: Licensees and Certificate Holders of the State of Nevada Board of Homeopathic Medical Examiners:

Yesterday, March 27, 2007, I became aware of a potentially terrible breach of your rights to privacy and confidentiality as well as those of your patients as mandated by the Federal Law known as HIPPA. In the course of a conversation with a person in the Billing Office of the Office of the Attorney General of the State of Nevada, I was apprised of the fact that one Dean Friesen has obtained unredacted copies of this Board's Invoices from the Office of the Attorney General of the State of Nevada for a yet unknown period of time. However, I believe that this period of time is significant and could extend back as far as three or four years.

As you all know, these Invoices contain highly confidential information that sets forth not only the names of Doctors who may have had a Complaint filed against them as well as the name of the patient who submitted the Complaint. The public knowledge of such things is expressly forbidden. In fact not even our Board Members are privy to the information contained in these Invoices unless they have been properly redacted or have been approved for dissemination to the Board Member by a person who holds the requisite authority.

When I asked how such a travesty could have occurred and to whom these unredacted Invoices were delivered to, I was given this answer. They were delivered to Dean Friesen under the authority of Dr. Daniel F. Royal who is a Member, but not an Officer of this Board. Dr. Daniel F. Royal was not granted any authority by any Officer of this Board or the Board as a whole to authorize the delivery of this highly confidential information to a person such as Dean Friesen. I am sure that you are all recognize the egregious nature of not only the act of obtaining these documents but the possible problems that could result from the dissemination of the highly confidential information contained in these documents.

I have taken the following action on the part of all Licensees and Certificate Holders as well as on behalf of the Board and its Members.

1. I have apprised Ned Reed, our designated Deputy Attorney General, of this situation.

2. I have apprised the Officers of this Board and certain other Members of this Board of this situation.

3. I have asked the President of this Board, Ms. Valerie Kilgore, to call an Emergency Meeting of this Board to be held as soon as possible. I will make every effort to apprise you of this Emergency Meeting with as much prior notice as is possible.

4. I have prepared and executed a Declaration regarding this matter in a form that will be acceptable in the event that legal action is to be taken against these two individuals.

5. I have drafted and sent a letter to the Attorney General of the State of Nevada, with a copy to Governor Jim Gibbons, detailing the facts of this matter and requesting a full and immediate investigation by the Office of the Attorney General of the State of Nevada to determine how the Office of the Attorney General allowed such a breach to occur. If you wish to receive a copy of either, or both, of these letters please contact me directly and I will be more than glad to provide you with a copy of either or one or both.

I will keep all of you apprised of all information that evolves that relates to this most serious matter that affects this Board and all of you.

Sincerely,

/s/ Nancy Eklof
Executive Director
State of Nevada Board of Homeopathic Medical Examiners

4. Executive Director's **letter to Governor Gibbons** is as follows:

Jim Gibbons, *Governor*
Valerie Kilgore, *President*
F. Fuller Royal, *Vice President*
Bruce Fong, *Secretary-Treasurer*



Diane Kennedy, *Member*
Daniel Royal, *Member*
Cyrus Pourzan, *Member*

STATE OF NEVADA
BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

March 28, 2007

Governor Jim Gibbons
State Capitol
101 N. Carson Street
Carson City, NV 89701

VIA: ELECTRONIC MAIL WITH CONFIRMATION VIA U.S. MAIL

Re: Breach of Confidentiality of Attorney General Invoices issued by the Office of the Attorney General to the State of Nevada Board of Homeopathic Medical Examiners

Dear Governor Gibbons:

I am the Executive Director of the State of Nevada Board of Homeopathic Medical Examiners and am furnishing this letter to you to apprise you of a most serious occurrence in the Office of the Attorney General of this State that I only discovered yesterday, March 27, 2007 and to provide you with a copy of the letter that was sent, this date, to Attorney General Cortez-Masto regarding this matter.

As you will see from the content of my letter addressed to Attorney General Cortez-Masto and the contents of my Declaration that was included therewith, there has been a most serious breach of this Board's right to the maintenance of complete confidentiality in regards to its Invoices from the Office of the Attorney General as well as a potentially grave violation of the rights of patients, under Federal Law, that are being treated by practitioners licensed by the State of Nevada Board of Homeopathic Medical Examiners.

I have notified all of our Licensees and Certificate Holders of this breach and the potential ramifications that may result from it. In my letter that is included herewith, I have requested that Attorney General Cortez-Masto initiate an immediate and full investigation of this matter so as to ascertain how such a thing could even happen in the State of Nevada. I would greatly appreciate anything that you could do to cause this investigation to be commenced immediately and concluded in the most expeditious manner possible so that any damage that this occurrence may have caused can be minimized and to protect the privacy, rights and interests of innocent citizens of the State of Nevada.

Thank you in advance for your attention and assistance in this most serious matter.

Sincerely,

Nancy Eklof
Executive Director
State of Nevada Board of Homeopathic Medical Examiners

b. Board members discussed whether the Board could go into closed session to discuss the Dr. Daniel Royal's role in obtaining the Homeopathic Board billing records from the Attorney General's office without authorization with or without the participation of Dean Friesen. Mr. Reed said the Administrative subpoenas to Dr. Daniel Royal and Dean Friesen were issued in compliance with Nevada Law. Therefore, the Board could proceed in their absence. Neither Daniel Royal nor Dean Friesen requested additional time in order to comply with the subpoena, and neither asked the court to block the subpoena.

Motion: Diane Kennedy move the Board recess for 10 minutes.

Second: Fuller Royal

Action: Passed unanimously

When the meeting was re-opened to the public, **Daniel Royal** and **Dean Friesen** were present (note: their arrival was 65 minutes after the meeting began). Prior to going into a closed session, **Fuller Royal** read the following statement to be included in the minutes:

Madam Chairperson: Before proceeding further, I would like the Chair's permission to publicly respond to some of the allegations contained in Dr. Daniel Royal's letter of April 11, 2007 that was electronically sent to all members of this Board.

I would like to also offer to the Executive Director of this Board hard copies of this statement for delivery to each of the Members of this Board as well as a copy for insertion into the Official Records of this Board.

1. Dr. Daniel Royal's allegation regarding the salary to be paid to the new Executive Director is correct in the amount only.

2. Dr. Daniel Royal has purposefully forgot to inform the other members of this Board that the previous Executive Director was an employee of mine and who was paid by my office to perform work during her regular working hours on behalf of this Board for many years in addition to the amount paid to her by this Board.

This Board should also take note of the fact that the former Executive Director was employed through the actions of Dr. Daniel Royal acting in his capacity as the then President of this Board.

I cannot begin to estimate the amount of my subsidy of this expense of the Board but I can assure each of you that it was substantial. It also should be noted by this Board that, at no time whatsoever, did I ever request that this Board reimburse me for the value of this subsidy of Board expenses.

3. The relocation of the Board Office was a necessary and proper decision given the geographic location of many of its members as well as that of the then President of the Board, David Edwards, M.D., H.M.D.

Daniel F. Royal, D.O., H.M.D., J.D., Board Member

1. Daniel Royal expressed his opinion that the administrative subpoena had not been properly served pursuant to NRS 622. Mr. Reed disagreed and the meeting continued.

Motion: Bruce Fong moved the Board go into closed session.

Second: Cyrus Pourzan

Action: Passed with Daniel Royal voting "Nay."

2. Open Session—Mr. Ned Reed, Senior Deputy Attorney General, summarized the key points discussed in closed session to be voted upon during the open session. Mr. Reed reviewed for the Board a resolution of Board concerns relating to Dr. Daniel Royal.

Motion: Fuller Royal moved Daniel Royal will agree to and perform the following within 5 working days upon his receiving the stipulated agreement from the Board's legal counsel, Mr. Ned Reed:

Dr. Daniel Royal agrees:

1. To return all electronic or paper copies of the billings pertaining to the Homeopathic Medical Board he has received from the Office of Attorney General or from any other source;
2. To delete all billings pertaining to the Homeopathic Medical Board he has in all computers in his possession, or which he has knowledge is retained in other computers over which he has jurisdiction to the best of his abilities;
3. That he has given the billing information to Senator Schneider and to no one else;
4. He will sign an affidavit that he did not disseminate any confidential information to any other person other than what has already been given to Senator Schneider;

5. To obtain a list of persons from Senator Schneider within 5 days of signing the affidavit to whom Senator Schneider may have given copies of the Office of Attorney General billings, or summaries of those billings, pertaining to the Homeopathic Medical Board; and
6. If there is a failure to comply with this agreement, Dr. Daniel Royal understands the Board will proceed with another meeting to consider disciplinary action.

Second: Diane Kennedy.

Action: All members voted "Aye," with Daniel Royal abstaining. Motion passed..



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701-4717

CATHERINE CORTEZ MASTO
Attorney General

RANDAL R. MUNN
Assistant Attorney General

April 23, 2007

Via United States Certified Mail
No. 7003 1680 0001 3688 4355

Dr. Daniel F. Royal
New Hope Medical
10120 S. Eastern Ave. Ste. 100
Henderson, NV 89052

Re: Agreement regarding return of billing records

Dear Dr. Royal:

Pursuant to your agreement with the Board at its April 12, 2007 meeting in Reno, I outline the following requirements to which you agreed:

1. You agree to provide all originals and any copies of the Attorney General's billing records pertaining to the Homeopathic Board (billing records) you have in your possession, including electronic files, electronic summaries and written summaries of these records to the Board office within 5 business days of receipt of this letter.
2. You agree to provide an affidavit within 5 business days of receipt of this letter to accompany the billing records provided to the Board office, which affidavit must contain the following language:
 - a. You state under penalty of perjury that you have provided all the originals and copies of billing records, including all electronic files, and all electronic and/or written summaries of these billing records to the Board office, and that you no longer have any billing records or summaries, of any nature whatsoever, in your possession.
 - b. You state under penalty of perjury that you have, to the best of your ability, erased any electronic files containing these billing records or any summaries thereof that are contained on computers in your possession or under your control.

- c. You state under penalty of perjury that you have not disseminated billing records to any person except to Senator Schneider and individuals at Senator Schneider's office, and that in the future you will not obtain or disseminate any billing records without the prior express written approval of the Board's Executive Director.
 - d. You further state under penalty of perjury that you have contacted Senator Schneider and his Office regarding the billing records of the board, explained to him the sensitive and confidential nature of information contained in these records, and that you have asked Senator Schneider to provide a list of persons to whom these records have been disseminated and to return any copies of billing records and any type of summaries thereof in his possession to the Board as soon as possible, so that confidential information can be redacted from these records, prior to their return to Senator Schneider if he should so request, in a writing addressed to the Executive Director of this Board.
3. The Board agrees not to pursue any civil or administrative action against you as to this matter if you fully comply with this agreement.
 4. However, in the event that you should be found to be in violation of this letter agreement or should be found to have made a false statement in the affidavit required of you hereunder, you shall be possibly subject to disciplinary action by the Board and all other rights and remedies available to it under the laws of the State of Nevada. In the event that the Board or the Attorney's General's Office is forced to take legal action against you, you will be liable for all fees and costs related to any such action.

Thank you, and please contact me if you have any questions.

Sincerely,

CATHERINE CORTEZ MASTO
Attorney General

By: _____
EDWARD T. REED
Deputy Attorney General
(775) 684-1216

ETR:sm

Cc: Nancy Eklof
All Members, State of Nevada Board of Homeopathic Medical Examiners.

Dean Friesen, Member of the public

Vote on whether to proceed in closed session

Motion: Fuller Royal moved the Board proceed in closed session.

Second: Leticia Gardea

Action: Passed with Daniel Royal voting "Nay." Dr. Royal stated Mr. Friesen was not under the jurisdiction of this Board and was not obliged to go into closed session.

Dean Friesen said he did not care whether he met with the Board in closed or open session. He advised the Board he would be leaving at 9:00 p.m. Pacific time. Fuller Royal withdrew his motion to go into closed session and Dean Friesen's interview continued in open session.

2. Open Session—Mr. Reed asked Dean Friesen if he gave other individuals copies of the billings pertaining to the Homeopathic Medical Board ("fees") owed to the Office of Attorney General. Dean Friesen answered "Yes," but refused to name any of those individuals, stating he had received legal counsel advising him not to reveal them on the grounds that there is a "separation of powers" within legislature. Fuller Royal asked Dr. Friesen if he

obtained copies of the fees from the Office of Attorney General in behalf of Daniel Royal. Dr. Friesen answer, "No." He stated Senator Michael Schneider had sent him to obtain the records, which contained fees from the Attorney General from 2004 through January 2007. Dr Fong asked if the records had been shared with individuals outside Senator Schneider's office. Dr. Friesen answered, "Yes." When informed by Dr. Fong the records contained sensitive private information, Dr. Friesen answered, "That's not my problem because that is not something I have jurisdiction over." Dr. Fong asked if Dr. Friesen had a license to practice in any locale at this time. Dr. Friesen said "No, I voluntarily gave up my California license because I was tired of being taxed by the California Franchise Tax Board. . . . 10 to 12 years ago." Dr. Fong explained his concern that individuals who obtained and distributed the record of fees have violated HIPPA. Diane asked if Dr. Friesen were willing to collect and return the record of fees to the Office of Attorney General. Dr. Friesen stated he could not do so even if he wanted to do, because the fees were in the possession of the legislature. Mr. Reed asked if Dr. Friesen would obtain and return the fee copies to be redacted, and returned to those having them in their possession. His response was not clear but seemed to indicate a negative response. Diane Kennedy and Fuller Royal asked Dr. Friesen if he gave a copy of the fees to Tim Bolen. He answered "Yes, because frankly I was advised to." He said he would not seek a return of the fees from Mr. Bolen, because the courts have ruled that information must be redacted prior to the press receiving it, and not after the press receives it. Going on further to state that Mr. Bolen was a member of the press. Fuller Royal asked Dr. Friesen his reason for providing the fees to Tim Bolen, a member of the press. Dr. Friesen said he was advised to do it, but refused to provide the Board with the name of the individual(s) or organization that "advised him to do it." Dr. Friesen answered "No" to Dr. Fong's query as to whether or not he had any expressly written documentation that Senator Schneider asked him to obtain the fees. He said Senator Schneider verbally asked him to obtain the fees and verbally thanked him for doing so. Diane Kennedy asked if he, Senator Schneider and Daniel Royal had discussed the fees or any summary of the fees. Dr. Friesen said "yes." When the question was repeated, he said he had to leave. Mr. Friesen abruptly left the Board Meeting, refusing to repeat his answer.

(Board members Daniel Royal and Leticia Gardea, and Dean Friesen left the meeting)

5. Mr. Gregg Koechlein presented his qualifications for his presentation of his review and assessment of copies of receipts received from Daniel Royal on his own behalf and on behalf of Dean Friesen. Mr. Koechlein also informed the Board he is the husband of Board Member Diane Kennedy. Mr. Koechlein carefully walked the Board through the events leading up to and beyond the time the Board voted to provide Daniel Royal \$5,500.00 to cover expenses for him and Dr. Dean Friesen during part of the 2005 Legislature, from May 1, 2005 through June 15, 2005. The Board clearly expected a report as to the activities of Daniel Royal and Dean Friesen, and limited the time of payment from May 1, 2005 through June 15, 2005. Mr. Koechlein began by reviewing with the Board parts of the minutes of 3 Board Meetings—16 June 2005, 22 July 2006 and 2 November 2006—wherein the payment affected the Board. A copy of the legislative activity of AB 208 was completed June 5 and the bill was sent to the printer on June 6, 2005. Mr. Koechlein believes there is no justification for paying any expenses beyond June 5, 2005.

The Board reviewed a copy of page 11 of the 2006 Legislative Audit Report of the Board of Homeopathic Medical Examiners that was caused by the actions of Senator Michael Schneider. The auditors clearly chastised the Board for paying "20% of the Board's annual revenues" for "expenses related to lobbying activities." The auditors noted the Board requested 18 receipts, but only received 5. The report shows Dean Friesen was not eligible for any funds because he was not registered as a lobbyist for the Board, nor was he an independent contractor as required in the State Administrative Manual (SAM). The auditors are saying the Board has made an error in providing money for Mr. Friesen and has a right to rescind their error and make amends. The last paragraph says the State requires a travel and reimbursement form to be filled out. None of the receipts were made on a State promulgated form. A copy of a check for \$5,500.00 paid to Daniel F. Royal on June 24, 2005 was presented. The Board was told the check was for a "Bill" which was not found. Dr. Daniel Royal did present a bill for \$5,320.05. Dr. Royal's "Summary of Attached Expenses" was said to be incorrect in several areas. Copies of the receipts presented to the Board by Daniel Royal through Dean Friesen are inadequate, illegible in many instances, and relate to many expenses prior to May 1, 2005 and after June 16, 2005. Mr. Koechlein's summary shows the Board only owes Daniel Royal \$297.85 based upon the receipts. All receipts submitted by Dean Friesen are not eligible for Board payment according to the SAM.

The lobbyist information form containing expenses for Daniel Royal and Dean Friesen list no expenses incurred during the months of May and June 2005, clearly in opposition to the amount the Board paid to Daniel Royal for "lobbying expenses."

The Board needs to consider the facts presented by Mr. Koechlein, who did his accounting and investigation without cost to the Board. Diane Kennedy stated the Board needs to have the \$5,500.00 paid to Daniel Royal returned to the Board. Fuller Royal thanked Mr. Koechlein for presenting this excellent summation of the incidents occurring before and after payment to Daniel Royal. Dr. Pourzan asked legal counsel if the Board can take action to obtain the \$5,500.00. Mr. Reed said yes after briefly reviewing the reasons why this is possible.

Motion: Cyrus Pourzan moved to have Mr. Reed send a letter to Daniel Royal for repayment of the amount paid to Daniel Royal on June 24, 2005, taking into effect the amount actually owing to Daniel Royal as documented (\$297.85), and to have Mr. Reed to file a lawsuit to cover the legal costs and the amount owing the Board if Daniel Royal does not comply with the request within 10 calendar days after receiving the initial letter.

Second: Bruce Fong

Discussion: Mr. Reed suggested the Board first send a letter requesting Daniel Royal pay the amount that should be returned. Diane Kennedy stated at no time did the Board authorize Daniel Royal or Dean Friesen to be a lobbyist for the Board.

Action: Passed unanimously by the board members present.

C. NEW BUSINESS.

Motion: Diane Kennedy moved the Board's President write a letter of congratulations to Senior Deputy Attorney General Ned Reed for being advanced to the position of Senior Deputy Attorney General, and to write a letter to Attorney General Masto expressing Mr. Reed's valuable contributions to the Board, requesting Mr. Reed be permitted to continue as the Board's legal counsel

Second: Fuller Royal

Action: Passed unanimously by all Board members present.

D. Public Comment.

Dr. Robert Eslinger asked what would change if the fees are returned. He believes that getting the records should not prevent the Board from going forward with disciplinary action.

Joe Brown asked why Dean Friesen is referred to as "doctor" when he has not had a license for 12+ years. He brought up a problem involving a member of the NIRB Staff, Nancy Lucas. There remains a question as to whether or not she was dismissed (fired). She has filed a "whistleblower" complaint and complaints related to former members of the NIRB. He encouraged the Board to look into this.

Babette Clough asked if there is anyway to put out "fires" that could be started by Tim Bolen. She noted he appeared to be hostile towards licensees and members of the Board during past Board meetings.

Marie Royal made the following statement, provided a written copy to the Executive Director, and requested it be a part of the minutes:

Members of the Homeopathic Board of Medical Examiners:

My name is Marie Royal. I am the mother of Board member Daniel Fuller Royal and the wife of Board member Flemming Fuller Royal. Over the past several months, I have had to suffer through the pain associated with watching my own son attempt to destroy the Homeopathic Board of Medical Examiners, for reasons only he can explain. However, right is right, and I am restating my previous comments on this subject so that there is absolute clarity as to my position as a member of the public who desires to see this Board function effectively in the manner it was intended.

During the 27 January 2007 Agenda Item for Public Comment, I read a statement that I had prepared during the meeting, and presented Executive Director Nancy Eklof with the original document. I desired for my comments to be included in the minutes of that meeting. I will now paraphrase that statement with additional comments.

My son, Daniel F. Royal, has been acting as a "mole" over the past two years as a member of this Board. He has worked against the Board to undermine its every effort over that period of time. Dan Royal has utilized various means to accomplish his purposes, such as filing frivolous complaints against the Board for others as well as for himself, refusing to appear at meetings and attempting to influence other Board members to not attend to prevent the Board from accomplishing its business, and taking various actions forcing the Board to incur tens of thousands of dollars in legal fees, among many other things. His barrage of complaints filed with the Office of Attorney General has cost the Board thousands of dollars in legal expenses. His civil lawsuit against the Board and its individual members, which he

voluntarily dismissed (fully recognizing it had no merit), cost the Board additional thousands of dollars. He has intentionally created an atmosphere of chaos, attempted to change and manipulate minutes, and has slandered Board members, including his own father (encouraging others to do the same).

As President of this Board, my son, Daniel F. Royal used his position to stall meetings for his own gain and purposes. He chose not to attend the 27 January 2007 Annual Board Meeting, instead sending Dean Friesen, the alleged Medical Director and Officer of New Hope Medical Clinic, to retrieve a Board agenda and materials packet. Dan Royal's refusal to personally appear was yet another attempt to create an obstacle, believing the Board would be unable to meet because of insufficient members to make a quorum. It was this specific action that prompted me to make the aforementioned public comment.

On the morning of 10 March 2007, I received two phone calls from my son, Daniel F. Royal, wherein he attempted to pressure me into revoking my 27 January 2007 public statement. He described my public comments as "*rather nasty*." Since I had only been home from the hospital for three days following major surgery, I was not in a good frame of mind to deal with this situation. Of course, my son, Daniel F. Royal, a doctor, knew that very well. I asked him to give me a few minutes to think about it, as I could not recall my exact comments at that moment. This left him frustrated and angry. I was unable to contact my husband for advice because he was "in flight" to the Board meeting in Reno. Dan called me back for an answer about 20 minutes later. When I advised that I would not recant my statements, he responded that I would "*live to regret*" my decision. I do not know exactly what my son, Daniel F. Royal, meant to imply with that comment. Regardless, right is right, and I stand firmly behind my previous statement published in the Board minutes.

My son's true colors have been revealed in this latest legislative session, in which he has created and supported a bill designed to completely disband this Board, going so far as to appear and testify against legislation drafted and proposed by this Board. His actions, frankly, further support my previous comments regarding this former Board president working as a "mole," using his Board membership solely as a means to destroy.

I do not know what action, if any, the Board can take to remove my son, Daniel F. Royal, from serving as one of its members. However, he has made it abundantly clear that his only interest in remaining as a Board member is to destroy it, all to the great detriment of the citizens of Nevada. While it pains me to write this, and expose such feelings "on the record," I must implore you to take assertive action to stop his interference in the business of the Homeopathic Medical Board. Citizens of Nevada, not to mention parents, deserve much, much better.

Dr. David Holt stated Tim Bolen, Dan Royal, Dean Friesen, and Senator Schneider proposed a bill in accordance with allopathic principles, namely destroying the Homeopathic Medical Board in order to put something else in its place.

Joe Brown returned to share information received from Tim Bolen during a phone conversation several months ago. Tim Bolen said he had been able to get a doctor in a northern state out of a disciplinary action by filing multiple lawsuits against the Board and Members of the Board. This resulted in the Board not going forward with the disciplinary action. It is possible the numerous complaints filed by Daniel Royal against the Board and its Members in behalf of others and himself might have been inspired by Tim Bolen.

Tiffany Van der Stokker of the NHIMA reminded the Board and those present SB 432 comes before the Senate Commerce and Labor Committee tomorrow morning at 7:30 a.m.. She encouraged attendance and comments against this bill.

E. There were no announcements; Next Meeting will be at the call of the President.

F. **Motion:** Cyrus Pourzan moved to adjourn the meeting (Time: 10:01p.m. Pacific time)

Second: Fuller Royal

Action: Passed unanimously by those present.

Fuller Royal for Nancy Eklof, Executive Director

Approved by: _____
Bruce Fong, Secretary-Treasurer