

NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

MINUTES OF

PUBLIC TELEPHONE/CONFERENCE 13 June 2007 MEETING

LOCATIONS OF MEETING

The Nevada Clinic¹ and Cancer Screening & Treatment Center
3663 Pecos McLeod 521 Hammill Lane
Las Vegas, NV 89121 Reno, NV 89511

Board Members and Staff: The following persons are either members of the Board or staff, and were absent or present for the meeting as designated:

Valerie Kilgore, Member and President—Present (Reno)
Fuller Royal, Member and Vice President—Present (Las Vegas)
Bruce Fong, Member and Secretary -Treasurer—Present (Reno)
Diane Kennedy, Member—Present (Reno)
Daniel Royal, Member—Present (Las Vegas)
Cyrus Pourzan, Member—Present (Las Vegas)
Leticia Gardea, Member--Absent
Executive Director, Nancy Eklof—Present (Reno)
Ned Reed, Senior Deputy Attorney General, Counsel to the Board—Present (Reno)

MEMBERS OF THE PUBLIC: The following persons were present:

Dean Friesen—Las Vegas
Greg Olson—Las Vegas

Agenda Item A

Open Session

The meeting was called to order at 6:05 p..m. Pacific time by President Valerie Kilgore. Roll call was taken and a quorum was determined to be present. The meeting was properly posted and certificates received. All visitors were welcomed.. The chair set the time for closure of the meeting to be 7:00 p.m.

Motion: Diane Kennedy moved to approve the agenda.
Second: Bruce Fong
Action: Approved with Daniel Royal "Abstaining" and not voting

Agenda Item B

Executive Business

Minutes of the 12 April 2007 meeting of the Board were reviewed and discussed. Daniel Royal stated he provided a letter with attachments to the Board during the 12 April 2007 meeting that was to be included within the record of the minutes. He also stated Bruce Fong made a motion that was absent from pages 9 and 10. He stated he was submitting a letter in response to the "Declaration of Nancy Eklof," which he believed contained defamatory comments. He requested the Executive Director's Declaration be removed from the minutes; or that his letter with attachments be added to the minutes as a rebuttal of her declaration.

Motion: Bruce Fong moved to approve the minutes and to review Daniel Royal's request in writing at a future date.
Second: Fuller Royal
Action: Approved; Daniel Royal's approval was contingent upon his request being approved.

¹ Due to a power outage, the meeting was temporarily delayed and notice was posted at the location of the telephone/conference directing the public to another Las Vegas location : 2920 N. Green Valley Pky., Suite 424, Henderson, NV 89014.

Agenda Item C

Report and recommendations from Complaint Committee regarding review of complaints filed against licensees

Daniel Royal questioned whether or not the Board should proceed in view of the fact that at least one of the complaints involved a dually licensed physician. Therefore, there could be a question as to which Board had jurisdiction in reviewing and acting upon the complaint. He referred to the Board's Bylaws and Policy Manual requiring the Complaint Committee to properly notice and post an agenda of its meeting. Upon requesting a recording of the meeting from the Executive Director, he was told there was no recording made. He said the Osteopathic Medical Board had met and taken action prior to the Complaint Committee meeting in regards to a complaint filed against him that also came before the Complaint Committee. He stated he would be objecting to each recommendation of the Committee based upon his assessment of their actions on behalf of the Board. The Board's legal counsel, Mr. Reed, responded that the Open Meeting Law no longer applies to Complaint Committee meetings. NRS 622 allows the Complaint Committee to meet and discuss complaints without taking minutes or recording their meeting. He stated this information was sent from the Office of Attorney General to all physicians under investigation by the Committee. Daniel Royal replied that Policy 11 (Section 10) of the Board's Policy and Bylaws Manual requires the complainant and the licensee be notified at least 20 days prior to the Committee meeting reviewing and discussing a complaint. The same policy requires minutes to be kept and a recording made of the meeting. Mr. Reed read from his April 19, 2007 letter to Daniel Royal through his attorney. Daniel Royal referred to the Board's Manual as his defense for his position. Fuller Royal reminded the Board the Manual contains a statement that no policy or bylaw will supersede the NRS or NAC. Mr. Reed advised Daniel Royal he could have requested the Committee hold an Open Meeting when his complaint came before the Committee. Daniel Royal said he had objected to one of the three-member Committee in 2006 because that member was prejudiced and biased. Further discussion continued between Daniel Royal and Mr. Reed as to whether or not the Complaint Committee's recommendations should be accepted. President Kilgore requested Mr. Reed to review the substance of the four complaints for the Board. Mr. Reed presented and explained each complaint and the Complaint Committee's recommendations to the Board. After hearing the summation, the Board voted as follows.

Motion: Bruce Fong moved to accept the Complaint Committee's recommendation to dismiss Complaint 2007-01.

Second: Valerie Kilgore

Action: Fuller Royal, Bruce Fong, and Valerie Kilgore voted "Aye/" Daniel Royal voted "Nay."

Motion: Fuller Royal moved to accept the Complaint Committee's recommendation to refer Complaint 2007-02 to the Office of Attorney General for further investigation.

Second: Bruce Fong

Action: Fuller Royal, Bruce Fong, and Valerie Kilgore voted "Aye/" Daniel Royal voted "Nay."

Motion: Bruce Fong moved to accept the Complaint Committee's recommendation to refer Complaints 2007-03 (physician) and Complaint 2007-04 (advanced practitioner of homeopathy) to the Office of Attorney General for further investigation.

Second: Valerie Kilgore

Action: Fuller Royal, Bruce Fong, and Valerie Kilgore voted "Aye/" Daniel Royal voted "Nay."

Agenda Item D

Public Comment

None

Agenda Item E

Announcements

The Executive Director will be contacting Board members of the Date, Time and Location of the next Board Meeting.

Agenda Item F

Adjournment

Motion: Bruce Fong moved the meeting be adjourned.

Second: Fuller Royal

Action: Daniel Royal did not vote; all other members voted "Aye."

(Time: 6:35 p.m.)

Bruce Fong, Secretary-Treasurer

Date: _____