

STATE OF NEVADA
HOMEOPATHIC MEDICAL EXAMINERS BOARD MEETING
Saturday, February 5, 2011 – 9:30 a.m.
Best Western Airport Plaza
Terminal Way
Reno, Nevada

MINUTES OF MEETING

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

Bruce Fong, DO, HMD, Member and President – present
Robert Eslinger, Member and Vice President – present
KJ Smith, Member and Secretary-Treasurer - present
Diane Kennedy, Member – present
Corazon Ibarra, Member - present
Leticia Gardea, Member – absent
Cyrus Pourzan, MD, HMD, Member – absent
Nancy Eklof, Executive Director – present
Colleen Hemingway, Deputy Attorney General, Counsel to the Board – present

MEMBERS OF THE PUBLIC:

Roland Arafiles, MD
Craig Jace, PAC
Dr. Jim Forsythe
Tom Lee, ND, APH
Tiffany Vanderstokker, NHIMA
Rebecca Willis, Executive Director, Nevada Massage Association
Stephanie Ceccarelli (to take minutes)

A. OPEN SESSION

- 1. Call to order/Roll Call/Determination of a Quorum** – President Fong called the meeting to order at 9:34 a.m. Roll call was heard and a quorum of five members was present. Board members Dr. Cyrus Pourzan and Leticia Gardea were absent at the time.
- 2. The Chair will set the time for adjournment** – President Fong set the time for adjournment at approximately 2:00 p.m.
- 3. Verification of Posting** – Nancy Eklof verified the meeting was posted in accordance with Nevada Open Meeting Law requirements.
- 4. Welcome All Visitors/Determination of Press Presence** – President Fong welcomed visitors to the meeting. There was no one from the press present at the meeting.

B. APPROVAL OF AGENDA FOR THIS MEETING - Robert Eslinger moved to approve the meeting agenda. Diane Kennedy seconded the Motion. Motion carried.

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** – President Fong noted today's meeting will be conducted under Robert's Rules of Order and in accordance with Nevada's Open Meeting Law.

2. Presentation of Applicants for licensure or certification (NRS 630A.080); Confirm Waiver of Open Meeting Law signed by each applicant granting permission for the Board to interview; verification that records are in order for each applicant; allow applicants to take the written exam – Nancy Eklof confirmed the waiver of Open Meeting Law was signed by each applicant and that records were in order for each applicant. Secretary-Treasurer Smith introduced the two applicants, Roland Arafiles and Craig Jace. At this time, the applicants were escorted to the testing area. KJ. Smith noted previous applicant, Imelda Milare, passed her APH exam after the last meeting.

Imelda Milare advancement to Advanced Practitioner of Homeopathy. Ms. Milare whom the Board had approved for the certification exam at the August 28th, 2010 meeting, had not passed the written exam at the time. The Board had encouraged and voted to allow her to take a second attempt at the written exam. Ms. Milare had undertaken and successfully completed a second written examination on January 31st. The Board would need to give its final approval to advance her to the level of APH. **KJ Smith moved to approve Imelda Milare for certification. Diane Kennedy seconded the Motion.** Discussion followed. Member Ibarra recused herself from this item as Ms. Milare works for her. Member Eslinger asked if Ms. Milare's current status is HA. President Fong stated she is currently an HA and was applying for APH certification. **Motion carried with one abstention from Corazon Ibarra.**

3. Board will approve or disapprove licensing/certification applicants after testing and interviewing; The Board may go into closed session to consider the character, conduct, or professional competence of any or all of the applicants – President Fong noted this item was already addressed.

4. If the Board goes into closed session, no action will be taken in the session.

D. APPROVAL OF PRIOR BOARD MEETING MINUTES

8/28/2010 Annual Meeting

9/3/2010 Telephone Board Meeting

12/15/2010 Telephone Board Meeting

At 9:40 a.m. President Fong called for a ten-minute break in order for the Board to review meeting minutes. At 9:50 a.m., the meeting reconvened. There were no specific areas of disagreement with the written minutes upon further discussion.

KJ Smith moved to approve: the 8/28/2010 Annual Meeting; the 9/3/2010 Telephone Board Meeting; and, the 12/15/2010 Telephone Board Meeting as presented. Robert Eslinger seconded the Motion. Motion carried.

E. COMMITTEE REPORTS

1. Executive – President Fong stated there was no new information to report.

2. NAC/NRS/Policy By Laws Manual – President Fong stated the Annual Report with Recommendations has been sent to the LCB. No further meetings by this Committee have been conducted.

3. Fiscal-Finance –Secretary-Treasurer Smith reviewed Balance Sheet and Profit & Loss information. Regarding the Balance Sheet, Ms. Smith reported a balance of \$22,658.58 and a net income of \$11,074.82. She noted books are audited every quarter and approved from an outside accounting firm.

4. Education –Committee Chair Dr. Ibarra reported a meeting had just been held a few days prior. During that meeting, issues such as CME approval and the updating of the licensure and certification exams had been discussed. President Fong added a letter would be sent out to remind licensees and certificate holders that a full CME would need to be submitted to the Board as the Board had the right not to certify/renew individuals without, according to legal counsel. Member Ibarra reported they would be looking for input regarding questions on the future exams and that review classes may be held for those individuals who take the exams. President Fong added that the content of the exam may reflect the Board as more of an alternative, integrative and complementary Board as opposed to a strictly Homeopathic Board.

5. Investigative – There was no new information to report.

6. Technology –Committee Chair Dr. Eslinger stated he did research on the use of intravenous Vitamin C. He reported the FDA was reviewing proper manufacturing practices of IV Vitamin C. The compounding pharmacy used in Nevada was still legally allowed to provide and compound IV Vitamin C. Dr. Eslinger explained his research found favorable review of the

use of Vitamin C in conjunction with other vitamins when treating cancer patients as well as in numerous other well established therapeutic applications; therefore, there was enough evidence for the Board to make a declaratory statement that the use of IV Vitamin C within the State of Nevada was both safe and efficacious to patient care regardless of FDA findings.

President Fong asked if there was anything the FDA could consider a safety issue with the use of IV Vitamin C. Dr. Eslinger stated he could find no evidence of a toxic dose of ascorbate, which had been the theory based on one case of a diabetic individual. There was also one equivocal study that found leukemic cells were enhanced by Vitamin C in one patient, but many other studies showed the benefits of including Vitamin C due to its overwhelmingly positive beneficial effects. President Fong commented on the need to be careful when using IV Vitamin C on diabetics.

Public Comment: Jim Forsythe stated the lecture given at the recent A4M meeting in Las Vegas found that there were no negative effects of giving antioxidants during chemotherapy treatments. He also stated IV Poly MVA is now a clean product.

Member Eslinger stated a similar argument to the IV Vitamin C controversy was made with regards to the use of hyperbaric medicine and that tissue damage could be the result of using such medicine when further research determined that was not the case. He recommended another Committee meeting be held to discuss a resolution to be presented at the next Board meeting. President Fong suggested expounding on the following wording: "This Board feels upon its own research of data that intravenous Vitamin C administers both a safe and efficacious therapy."

Public Comment: Tom Lee suggested the resolution be posted on the Board's website.

- F. EXECUTIVE DIRECTOR'S REPORT** – Nancy Eklof stated the Board was keeping expenses at a minimum, as noted by Secretary-Treasurer Smith. She suggested the Board review the approved courses and schools for training prior to licensure or certification because some courses were no longer functional and for the Board to review and update applications to include e-mail and website information. A public safety audit will be held the first week of March 2011 to primarily review procedures on how applicants are handled with regards to fingerprints and background checks. She also reported that she had registered as a lobbyist during the next legislative session.

Public Comment: Jim Forsythe asked if it was too late to submit Bills because they were considering the Georgia Bill for Nevada which allows Homeopathic doctors to treat any patient with a stage four disease without liability. Member Kennedy stated it was too late to submit a Bill, but it can be attached to another Bill by a legislator

- G. PRESIDENT'S REPORT** – President Fong reported all the committees have been restarted and in particular an Annual Report to the Legislature including NRS recommendations had been worked on, vetted over on several occasions and submitted. He stated he would not be seeking another term as Board President when his term ends in July. Election of Officers had been posted for today's meeting, but due to an electronic transfer error, were NOT included in today's written and approved agenda before the Board. Therefore it would be held at a future meeting.
- H. SECRETARY TREASURER REPORT** – Member Smith stated there was no further information to report beyond her report for the Fiscal-Finance Committee and the report of the Educational Committee.
- I. MEMORANDUM OF UNDERSTANDING (MOU)** – The Nevada Attorney General submitted a document for the Board's approval regarding services that may be provided by the AG's Office to the Board.

Colleen Hemmingway, Deputy Attorney General, went on to state this item was to obtain a better understanding of Board hours and work for budgeting purposes. The Board discussed having one hour a month for Attorney General Services.

Robert Eslinger moved to approve a minimum of one hour a month for Attorney General Services. Corazon Ibarra seconded the Motion. Motion carried.

- J. PETITION FOR DECLARATORY ORDER** – Declaratory judgment on the legality of D.E.A. certificates for physicians licensed under NRS Chapter 630A.

President Fong requested this item be removed from today's meeting agenda because the issue has already been resolved. **Diane Kennedy moved to remove this item from today's agenda and to possibly discuss this item at the next meeting. KJ Smith seconded the Motion. Motion carried.**

- K. EXECUTIVE DIRECTOR OF NEVADA MASSAGE ASSOCIATION** – The Association is concerned that the state will eventually place them under a board that is not conducive to their services and would like to be placed with a medical allied services board.

Rebecca Willis, Executive Director, stated she represented the NAMP (Nevada Alliance of Massage Professionals) Organization. The organization has been in existence for two years. She explained their organization (which represents the interests of their profession and by implication and unofficially their licensure board) was seeking to be placed with a medical allied services board because the Governor was requesting regulatory boards be combined or sunset and because they were working closely with massage therapist agencies and following their regulatory standards. She felt that her profession would be compromised if not allied under a like minded administrative board.

Member Kennedy asked about the difference between NAMP and the Board of Massage Therapists. Ms. Willis clarified she was not representing and was not on the Board of Massage Therapists. She represents the association that represents licensees under that Board.

President Fong asked if Ms. Willis would be acting as a liaison between the official Massage Board and the Board of Homeopathic Medical Examiners. Ms. Willis stated she would be happy to work in that role. President Fong commented that they were trying to expand the scope of the Board.

At this time, President Fong stated agenda item M would be heard.

- M. NEW BUSINESS** – There was no New Business to report. Jim Forsythe asked for an update on incorporating naturopaths. President Fong stated Dr. Tom Lee was still in discussions regarding this issue.
- N. OLD BUSINESS** – Member Eslinger asked for information regarding the petition for declaratory order. Member Kennedy stated this item has been tabled therefore cannot be discussed.
- O. PUBLIC COMMENT** – There were no public comment requests.

At 10:45 a.m., President Fong announced a two-hour break for testing to conclude. **Diane Kennedy moved to adjourn the meeting until 12:45 p.m. Robert Eslinger seconded the Motion. Motion carried.**

At 12:44 p.m., the meeting reconvened with agenda item L.

- L. REVIEW OF EXAMS** – Exam Results (pass-fail) to be presented to the Board and then final interviews of the applicants by the Board for approval.

President Fong announced Craig Jace passed the exam. He asked Mr. Jace who he would be working for and when he would begin. Craig Jace stated he would be working for Dr. Cora Ibarra and may open up an office in Las Vegas.

KJ Smith moved to approve Advanced Practitioner Homeopathy Certification for Craig Jace. Corazon Ibarra seconded the Motion. Motion carried.

President Fong announced Roland Arafiles passed the exam. He asked Dr. Arafiles about his plans with his HMD license. Roland Arafiles stated he wanted to transition into homeopathy in Texas where he resides. President Fong stated Dr. Arafiles was welcome to practice in Nevada. He encouraged Dr. Arafiles to maintain all licensing.

Diane Kennedy moved to approve a Homeopathic Medical Doctor license for Roland Arafiles. KJ Smith seconded the Motion. Motion carried.

- P. ANNOUNCEMENTS: Future Meetings** – Member Kennedy announced Jean Malick's husband passed away recently. Dr. Arafiles asked how many Homeopathic Boards there were. President Fong stated there were two: in Nevada and Arizona. He presented Mr. Jace and Mr. Arafiles with their certificates. President Fong stated the next meeting date will be announced at a later time.

- Q. ADJOURN** – There being no further business, the meeting adjourned at 12:55 p.m. **KJ Smith moved to adjourn the meeting. Corazon Ibarra seconded the Motion. Motion carried.**