

**STATE OF NEVADA
HOMEOPATHIC MEDICAL EXAMINERS BOARD
Regular Board Meeting
Thursday, February 19, 2009 – 5:30 p.m.
Sierra Integrative Medical Center
6512 South McCarran Boulevard, Suite 3E
Reno, Nevada**

MINUTES OF MEETING (*Final Draft*)

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

Cyrus Pourzan, MD, HMD, Member and President – present (phone)
Robert Eslinger, Member and Vice President – present
Bruce Fong, DO, HMD, Member and Secretary-Treasurer – present
Fuller Royal, MD, HMD, Member – present (phone)
KJ Smith, Member - present
Robert Bryant, Member – present
Leticia Gardea, Member – present (phone)
Diane Kennedy, Member – present (phone)
Executive Director, Nancy Eklof - present
Deputy Attorney General, Counsel to the Board, Robert Bryant- present

MEMBERS OF THE PUBLIC:

Thomas Lee, APH
Tiffany Vanderstokker, NHIMA
David Holt
Dennis Grover
Janine Hanson
Deborah Inskip
Tod-Dean Brenbarger
Polly Suzanne Cox
Babs Clough
Kristen Field
George Eversaul

1. **Call to Order/Roll Call/Determination of a Quorum** – President Pourzan called the meeting to order at 5:38 p.m., with a quorum of five members present.
2. **Approval of Today's Agenda – Bruce Fong moved to approve today's agenda. Robert Eslinger seconded the Motion. Motion carried unanimously.**
3. As President Pourzan was present by phone and that Secretary-Treasurer Fong was present and was well-versed on topics to be discussed, Dr. Fong requested that he be allowed to chair the meeting. Dr. Pourzan approved and gave Dr. Fong the chair. At this time it was made clear to the public that the meeting was to be conducted in an open forum.
4. **Discussion and possible action regarding the required legislative review of NRS Chapter 630A and any and all other statutes which may impact it, and suggested changes to NRS 630A and possible action regarding the Annual Report to the Legislature** – Board member Fong reported a meeting of the general board was held last week to discuss changes submitted by the NRS Committee, which included the following: 1) a suggested name change to the Board; 2) designation changes to licensees and certificate holders; 3) incorporating additional therapies; 4) incorporating the composition of the Board to include an additional professional member as opposed to lay member; and 5) to require a 3-year post graduate requirement for licensure to the Board. Board member Fong reported the Board discussed proposed changes, but did not make a decision. He stated Board member Bryant reviewed language changes including changing Board designations rather than a name change.

At this time, Board member Gardea joined in the meeting to form a quorum of six members present.

George Eversaul suggested the following verbiage “the Board considers to” be added to Section 4(e): “*Therapeutic equivalents*” on page 2 so the section would read “...non-legend agents or modalities of treatment that the Board considers to possess...” He stated that, in his opinion, it was critical to have it mandated in statutes the ability of the Board to determine what constitutes appropriate or homeopathic care. Discussion followed clarifying Section 4(e) would not provide the Board with any further authority than to interpret its own statutes during a disciplinary proceeding.

At this time, Board member Kennedy joined in the meeting to form a quorum of seven members present.

Cyrus Pourzan moved to not accept proposed changes to Section 4(e). Robert Eslinger seconded the Motion. The Motion carried by a vote of 5 to 1 with one abstention from Board member Kennedy.

For Section 4(c): “*Peptide Therapy*”, Board member Fong suggested changing the name to Biologic Therapy to provide a broader scope that would include biologic therapies and modalities. It was clarified the change would only be to the name, not the definition. The Board concurred with the change.

Board member Fong stated another change for Section 4(c) was to include the following verbiage at the end: “Also includes, but not limited to sources from...” with a list of pathogens.

Diane Kennedy moved to approve the proposed changes for Section 4(c). Leticia Gardea seconded the Motion. Motion carried unanimously.

For Section 4(d): “*Stem cell therapy*”, Board member Fong stated the suggested change was to remove the word “non-embryonic” from the definition because embryonics may be used in the future.

Cyrus Pourzan moved to approve the suggested change for Section 4(d). Diane Kennedy seconded the Motion. Discussion followed.

Board member Royal requested to know if the change would allow stem cell therapy on a live embryo. Board member Fong noted the wording “approved by law” was still included in the definition therefore future action would have to be approved under the law. Board member Royal stated he was in favor of leaving the wording as is because these were only recommendations to the Legislative Counsel Bureau and not a Bill Draft Request.

The motion carried with one opposition from Fuller Royal.

Board member Eslinger requested to know why Section 14, item 4 on page 3 was deleted. Board member Bryant noted, for the record, that there were two items within the document that were deleted. Board member Royal stated the NRS Committee unanimously voted to approve the deletion of the item because the Legislative’s original intent was to allow full-prescription rights for singly licensed HMDs. Concerns were expressed about the political ramifications if the item was reinstated at this time.

Diane Kennedy moved to strike Section 14, item 4. Cyrus Pourzan seconded the Motion. Discussion followed.

David Holt stated he was an educated, singly-licensed HMD who was not able to acquire osteopathic licensure in Nevada because the law requires three years of post-graduate indoctrination in the medical orthodoxy.

George Eversaul stated striking the item would allow the allopaths to expand the limitations that a homeopathic physician could practice in Nevada.

Board member Royal encouraged the Board to make decisions that were in the best interest of the original intent for the Board and not based on politics.

Motion failed by a vote of 3 to 2.

It was clarified a recommendation would be made to keep the name of the Homeopathic Board, but designations would be changed of the different licensees and certificate holders.

Board member Fong reviewed changes to the language in Section 16. **Cyrus Pourzan moved to approve suggested changes to Section 16. Robert Eslinger seconded the Motion.** Discussion followed clarifying the language should read “alternative medicine”. **Motion carried.**

Board member Kennedy stated that amendments to Section 17, item 2 would need to meet Robert's Rules of Order. **Diane Kennedy moved to strike Section 17, items 2 and 3. Robert Eslinger seconded the Motion.** Discussion followed clarifying a decision made by a quorum of members at any meeting constituted a binding decision by the Board. **Motion carried unanimously.**

At this time, Board member Smith left the meeting leaving a quorum of six members present.

Diane Kennedy moved to strike Section 39, item 2. Robert Eslinger seconded the Motion. Motion carried.

Discussion was heard regarding Section 27(c) on page 7 about requiring three years residency before a graduate of a foreign medical school could apply for a license to practice alternative medicine.

Cyrus Pourzan moved to retain a 3-year post graduate training for foreign medical graduates for licensure as an HMD in Nevada. Diane Kennedy seconded the Motion. Discussion followed clarifying the current law requires a three-year requirement for foreign medical graduates.

Board member Royal reminded the Board these were Legislative recommendations and that training requirements should be in harmony with Mexico and Canada.

Motion carried with one opposition.

Dr. Fields encouraged the Board to retain the definition of Homeopathy in Section 4, subsection 3(a) regarding Homeopathic medicine.

Fuller Royal moved to include the definition of Homeopathy in Section 4, subsection 3(a). Cyrus Pourzan seconded the Motion. Motion carried unanimously.

Robert Eslinger moved to retain the name of the Board of Homeopathic Medical Examiners. Fuller Royal seconded the Motion. Motion carried unanimously.

Dr. Fields expressed concern with including alternative medicine verbiage within the title of the Board.

Fuller Royal moved to approve remaining changes to NRS 630A to be forwarded to the LCB. Robert Eslinger seconded the Motion. Discussion followed clarifying the motion was to approve the remaining changes to NRS 630A. **Motion carried unanimously.**

Diane Kennedy moved to approve the letter of introduction written by Cyrus Pourzan to the LCB. Robert Eslinger seconded the Motion. Discussion followed.

Board member Royal noted his name should be included in the letter and that the title of the letter should include "pursuant to NRS 630A.155(6)" because the report was to be a special report and to focus on recommendations to the Legislature regarding the statute. The first paragraph has nothing in common with the required mandate and should be removed or written to illustrate how the full audit better prepared the Board to regulate the Board's recommended changes. He suggested the following language for the paragraph:

"The Audit Division of the Legislative Counsel Bureau's full audit of the Board was completed and accepted by the Legislative Commission December 16, 2008. With the guidance and assistance of the auditors, the Board has improved its administrative procedures and financial control. As a result of this audit, the Board is better prepared to examine, license, and certify qualified applicants and regulate the practice of alternative and complementary integrative medicine in Nevada."

Board member Royal noted bulleted information within the letter was too general and non-specific in understanding the benefits of the changes recommended by the Board for the statute. He strongly recommended the Board approve the letter as presented to the Board during the annual Board meeting with the suggested changes to the first paragraph.

Board member Kennedy suggested additional wording for the letter be written and presented to the Board for approval.

Motion failed by a vote of 3 to 2.

Fuller Royal moved to approve the letter submitted by the NRS Committee with the removal of the first paragraph regarding the audit and to be replaced by his paragraph, to include "pursuant to NRS630A.155(6) under the title, and

verbiage regarding the current status of health care in the introduction. Robert Eslinger seconded the Motion.
Discussion followed.

Board member Kennedy suggested President Pourzan make the necessary changes to the letter.

President Pourzan stated he changed the letter to improve the language and recommendations that had nothing to do with Legislation.

Board member Royal read into the recording the letter of introduction with his suggested changes as follows:

“Annual Report to the Legislature (pursuant to NRS 630A.155(6)) Preface: Pursuant to NRS630A.155(6), the Board is required to submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine including without limitation homeopathic medicine. The Audit Division of the Legislative Counsel Bureau’s full audit of the Board was completed and accepted by the Legislative Commission December 16, 2008. With the guidance and assistance of the auditors, the Board has improved its administrative procedures and financial control. As a result of this audit, the Board is better prepared to examine, license, and certify qualified applicants and regulate the practice of alternative and complementary integrative medicine in Nevada. Current Status of Health Care: The United States Health Care spending in 2007 reached \$2 trillion dollars which translates to \$7,421 per person or 16.2% of the nation’s gross domestic product. The health spending share of the gross domestic product reached 16.2% up from 16% in 2006. One report lists Nevada third in the nation in the number of new bankruptcy filings due to failure to pay medical bills (includes footnote). Alternative Medicine: The health of Nevada citizens and visitors may be dramatically improved with a significant reduction in cost by increasing patient availability to alternative medical treatment. This can be accomplished by 1) establishing a department of alternative medicine in the Nevada Education Systems including the Nevada School of Medicine; nursing schools, and osteopathic colleges that includes homeopathy, acupuncture, clinical nutrition, neuro-muscular modalities, herbal medicine, and energy medicine which will: 1) clearly define the philosophical foundations of alternative medicine; 2) it encourages and provides scientific research in alternative medicine; 3) provides on-going continuing education courses in alternative medicine for Nevadans and visiting health care practitioners and 4) encourages Nevada physicians and other health care providers to use alternative medicine in their practices and/or to work cooperatively with alternative medicine physicians and practitioners; Improving chapter 630A of the Nevada Revised Statutes by: 1) changing the name of NRS630A from homeopathic medicine to alternative medicine; 2) restoring the Nevada Institutional Review Board under the supervision and control of the Alternative Medicine Board with a means for financing research and alternative medicine treatments and therapies; and 3) making changes within the NRS that will encourage physicians and other health care providers to become competent in some or all of the alternative medicine practices through licensing certification; Grant full prescription privileges to NRS 630A physicians and allow the Board to grant clinical out-patient procedure services to qualified NRS630A licensees. Now is the time to make these changes that will improve the state’s economy and the health of Nevadans and visitors to Nevada suffering acute and chronic degenerative conditions by: 1) making Nevada a freedom of choice and health care state; 2) providing diagnostic procedures, medications, and treatments that are reduced in cost to the patient, easily available, and almost void of harmful side affects; 3) encouraging the best physicians and health care practitioners worldwide to teach and research alternative medicine in Nevada; and 4) increasing the number of visitations and the length of stay in Nevada by tourists seeking better health by innovative, alternative medicine care and legislative recommendations for the Board of Homeopathic Medical Examiners: 1) attached is the Board of Homeopathic Medical Examiners additions, deletions, and new language presented to the Nevada Legislature for improving chapter 630A of NRS making alternative and complementary integrative medicine including homeopathy a means for improving the health of Nevadans and visitors to Nevada. Respectfully yours...”

Board member Royal noted an additional change would need to be made that the Board decided to keep the name “Homeopathic medicine” despite the fact that alternative medicine was being used.

Board member Fong noted the Board removed the language at their annual meeting regarding granting full prescription privileges and granting clinical out-patient procedural services. Board member Royal suggested the language be included if the Board agreed.

President Pourzan stated he did not recommend approval of the letter read into the record by Board member Royal due to the legislative ramifications. He explained his reasons to the Board.

Board member Eslinger noted President Pourzan’s letter was not conducive to recommendations approved during today’s meeting.

President Pourzan stated he will not approve Board member Royal’s suggested letter until it was in written form and presented to the Board. Board member Kennedy agreed.

Board member Kennedy stated she would abstain from voting because she has not seen the suggested letter presented by Board member Royal.

Motion carried.

President Pourzan stated for the record that there was a minority of Board members present during voting on this item.

Board member Fong noted the motion carried by a majority of the quorum present.

5. **Approval of December 11, 2008 Board Meeting Minutes** – The following correction was noted: (a) for agenda item 5, “\$50” should be changed to \$50,000.

Fuller Royal moved to approve the December 11, 2008 meeting minutes.

The motion failed due to the lack of a second.

6. **Public Comment**

A. Tiffany Vanderstokker, Nevada Homeopathic and Integrative Medical Association, commended the Board for compromising and moving forward during the current legislative session.

7. **Announcements: next Board meeting during 2009** – This item was not addressed.

8. **Adjournment**

There being no further business, the meeting adjourned.

Cyrus Pourzan moved to adjourn the meeting. Fuller Royal seconded the Motion. Motion carried unanimously.