

STATE OF NEVADA BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

MINUTES

TELEPHONE/CONFERENCE REGULATION BOARD MEETING Thursday, 26 June 2008

LOCATIONS OF MEETING:

The Nevada Clinic
3663 Pecos McLeod
Las Vegas, NV 89121

Sierra Integrative Medical Center
6512 South MCarran Blvd. Suite E
Reno, NV 89509.

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

Fuller Royal, MD, HMD, Member and President, Present
Valerie Kilgore, Member and Vice President, Absent
Bruce Fong, DO, HMD, Member and Secretary-Treasurer, Present
Diane Kennedy, Member, Absent
Daniel Royal, DO, HMD, Member, Present
Cyrus Pourzan, MD, HMD, Member, Present
Leticia Gardea, Member, Present
Executive Director, Nancy Eklof, Present
Robert Bryant, Deputy Attorney General, Counsel to the Board

MEMBERS OF THE PUBLIC:

George Eversaul, APH (Las Vegas)
Marie Royal (as Vegas)
Greg Olson, APH (Las Vegas)
Kevin Jenkins, APH (Las Vegas)
Joe Brown (Reno)
James Forsythe, HMD (Reno)
Chris Sansom, BSN, RN - Director of Operations, Nevada State Board of Nursing (Reno)

The meeting was **called to order at 5:10 p.m. Pacific Time** by Fuller Royal, President, and a roll call was taken to determine a quorum. A quorum of members was present. All members of the public were welcomed and invited to participate in discussing the business of the proposed regulation. The Chair set 7:00 p.m. as the time for adjournment.

Motion: Bruce Fong moved to approve today's agenda

Second: Daniel Royal

Action: Approved by unanimous vote

B. The Chair read an informational statement explaining the purpose for the meeting, 6 topics that should be of interest to the public, and informed those present that new language (Section 21) had been removed by the LCB legal counsel in a finalized version of LCB File No. R 085-08 without discussing actions for doing so with a representative of the Board (see NRS 233B.063 (1)). Therefore this language remains within the regulation for discussion and Board action. The Executive Secretary stated a representative of the Nevada State Nursing Board was in attendance and would present comments. The Board Office had not received any comments or questions other than the public comment during the 15 May 2008

workshops. The Chair informed the public that a final decision as to the sections in this regulation would be made after considering the public comments.

Public Comment:

Dr. James Forsythe asked the Board to include new wording in the regulation in **Section 3 (1) (a) (3)** that would include a definition, "Salicinium", an herbal (plant) extract substance researched in his clinic that has proven to be useful in the treatment of various types of cancer. Additional explanation was given by Joe Brown as to the chemical makeup and origin. The Board's legal counsel advised the Board that new language would require the regulation to be processed through another workshop, which would further delay Board action on the present regulation. The suggested new language could be put into a temporary regulation (after 1 July 2008) if the Board desired to do so. No action was taken by the Board.

(Board member Leticia Gardea joined the Board at this time—5:32 p.m.)

Chris Sansom, representing the Nevada State Board of Nursing, requested the term, "A registered nurse" be removed from **Section 20 (2) (a) (2)**. Registered nurses in Nevada are not permitted to perform "diagnoses," which would be allowed when practicing as an advanced practitioner of homeopathy under Chapter 630A. She emphasized the Board of Nursing was making this request in an effort to protect the public. The Board discussed the Nursing Board request.

There was no further public comment.

Motion: Cyrus Pourzan moved to table the regulation until another Board meeting and reset for a future workshop

Second: Bruce Fong

Action: Fuller Royal, Bruce Fong, Leticia Gardea, and Dan Royal voted "Nay"; Cyrus Pourzan voted "Yea". Motion failed to pass.

Cyrus Pourzan asked for a discussion of **Section 17 (NAC 630A.320)**. Through its representative, Neena Laxalt, the Chiropractic Board requested via a June 24, 2008 email to the Board that the term "Chiropractic Physician" be added to **Section 17 (2)**. Bruce Fong stated there was a level of confusion between the wording for homeopathic assistant and advanced practitioner of homeopathy.

Motion: Cyrus Pourzan moved to table the regulation until another Board meeting and reset for a future workshop.

(Motion failed for lack of a second)

Motion: Bruce Fong moved to add "Chiropractic Physician" to Section 17 (2).

Second: Dan Royal

Action: Fuller Royal, Bruce Fong, Leticia Gardea, and Dan Royal voted Aye; Cyrus Pourzan voted "Nay". Motion passed.

Although a chiropractic physician attended the May 15, 2008 workshop, the requested new language was not requested until June 24, 2008. Legal counsel stated the LCB may not allow the adoption of the previous motion, negating the request from the Chiropractic Board.

Section 20: Bruce Fong expressed concern that the public might be confused by the list of programs for licensing and certification in order to be eligible for applying to be licensed as an advanced practitioner of homeopathy in paragraph 2, subparagraph (a). A discussion ensued in regards to the Nursing Board's belief that a registered nurse could not be an advanced practitioner of homeopathy, which would allow the individual to "diagnose and treat," which are prohibited under chapter 632 of NRS. Legal counsel,

George Eversaul, a member of the public, stated there were psychologists, graduates in kinesiology from UNLV, physical therapists, marriage and family counselors, social workers, and others in the health care field that would like to use certain of the therapies and homeopathic medicine listed in NRS 630A.040, practicing under a specific protocol and supervision of a homeopathic physician. These persons would be

interested in being certified to practice some of the therapies as an APH. Greg Olson, public member explained that the protocol controls the level of practice. The Board has the final decision as to the qualifications of the applicant and controls the practice of an advanced practitioner of homeopathy by examining and approving a specific protocol as to his level of practice. Bob Bryant advised the Board and the public the LCB would resolve these matters at the time the regulation is heard before the Legislative Commission.

Motion: Dr. Fong moved that Section 20 (2) (a) (2), "A *registered nurse*," and Section 20 (2) (a) (7 through 21) be removed and placed under Section 17, paragraph 2.

(Motion failed for lack of a second)

Motion: Dan Royal motioned to leave Section 20 as it currently reads.

Second: Leticia Gardea

Motion: Dan Royal, Fuller Royal, and Leticia Gardea voted "Yea"; Bruce Fong and Cyrus Pourzan voted "Nay". Motion passed

(Dan Royal left the meeting at 6:44 p.m.)

The Chair read the new language in **Section 21** that had been removed by the LCB from the final version of the regulation. The Board reviewed and left intact in the regulation the following language:

Supervision and protocol options for an advanced practitioner of homeopathy: Delineating the scope of practice of an advanced practitioner of homeopathy.

1. *An advanced practitioner of homeopathy may apply to the Board to practice:*

- (a) Under the supervision of a supervising homeopathic physician, with either on-site or off-site supervision allowed at the discretion of the supervising homeopathic physician, unless otherwise required by the Board pursuant to NAC 630A.470(2); or*
- (b) With any allopathic, chiropractic, homeopathic, or osteopathic physician licensed to practice in Nevada, subject to a protocol approved by a majority of the Board, including at least one supervising homeopathic physician on the Board; or*
- (c) Without physician supervision, subject to a protocol approved by a majority of the Board, including at least one supervising homeopathic physician on the Board.*

(Cyrus Pourzan left the meeting at 6:46 p.m.)

Legal counsel advised the Board that it no longer had a quorum present and could not conduct any further business unless another member would join the meeting. Dan Royal returned to the meeting by phone. A roll call revealed a quorum to be present: Dan Royal, Fuller Royal, Leticia Gardea, and Bruce Fong. The meeting was called to order at 6:48 p.m.

Motion: Dan Royal moved to approve the regulations with the addition of the language read into the record as "Section 21" that had been omitted from the final regulation version by the LCB and all changes approved by the Board

Second: Leticia Gardea

Action: Fuller Royal, Dan Royal, and Leticia Gardea voted "Yea"; Bruce Fong voted "Nay". Motion passed

G. Public Comment. None

H. Future meeting to be called by the President.

I. Adjournment

Motion: Bruce Fong moved to adjourn the meeting.

Second: Leticia Gardea

Action: Passed

Time of Adjournment 6:53 p.m. Pacific Time