

MINUTES
OF THE
ANNUAL MEETING
FOR THE
NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

NOTICE OF PUBLIC MEETING AND AGENDA

PUBLIC BODY: NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS
DATE OF MEETING: 29 February, 2008
TIME OF MEETING: 1:00 p.m. Pacific Time
LOCATION OF MEETING: Best Western Airport Plaza
1981 Terminal Way
Reno, NV 89502

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

Dr. Fuller Royal, MD, HMD, Member and President, **present**
Valerie Kilgore, Member and Vice President, **absent**
Dr. Bruce Fong, DO, HMD, Member and Secretary-Treasurer, **present**
Diane Kennedy, Member, **absent**
Dr. Dan Royal, DO, HMD, Member, **present via telephone (Las Vegas)**
Dr. Cyrus Pourzan, MD, HMD, Member, **absent**
Leticia Gardea, Member, **present via telephone (Las Vegas)**
Nancy Eklof, Executive Director, **Present**
Nancy Savage, Deputy Attorney General, Counsel to the Board, **Present**

Additionally present was:

Keith Marcher, Deputy Attorney General, ***Special Counsel in regards to the Nevada Open Meeting Law***

MEMBERS OF THE PUBLIC: The following persons were present:

Reno:

Dennis Grover
Tiffany Vander Stoker
Thomas Lee, APH
George Eversaul
Deborah Inskip

Board President Fuller Royal called the meeting to order at 1:46 p.m. Roll call was taken and a quorum of members were present. The meeting was properly posted and certificates received. All visitors were welcomed. The chair set the time for the meeting to be closed at 4:30 p.m.

Motion: Bruce Fong moved to approve the agenda
Second: Leticia Gardea
Action: Approved by unanimous vote.

Review of minutes.

Minutes of the previous meeting December 20, 2008, were not approved as Dan Royal had provided corrections to those minutes and were not included.

Motion: Dan Royal moved the minutes of the 20 December 2008 meeting be tabled for the next Board meeting to allow the Board to consider his corrections/additions/deletions.
Second: Bruce Fond
Action: Passed by unanimous vote.

The Chairman stated agenda items C1 and C2 (interview, and action in regards to APH applicants Inskip & Eversaul) would be moved to the end of the agenda.

Agenda Item C3 Change of APH Supervision:

A request was made for transferring supervision of Thomas Lee, APH from James Forsythe, MD, HMD to Bruce Fong, DO, HMD; and for approving Corazon Ibarra, MD, HMD as supervisor for Maged Maged, MD, APH. President Fuller Royal requested one vote for both changes. Dan Royal stated he thought an APH could only practice in the office of the supervising physician. Fuller Royal stated the law clearly allows an APH to practice in an office separate from the supervising physician when approved by the Board. Dan Royal also questioned why the protocols for both Advanced Practitioners of Homeopathic medicine were similar. Fuller Royal informed the Board there is a standard format to follow for protocols (NAC 630A.490).

Motion: Fuller Royal moved to approve transfer of APH Supervision for Thomas Lee from James Forsythe, MD, HMD to Bruce Fong, DO, HMD, and to approve Corazon Ibarra, MD, HMD APH for Supervision of Maged Maged, MD, APH.

Second: Leticia Gardea

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

Agenda Item D Executive Business:

2. **Annual Reports from all BHME Committees** required pursuant to Article 5, Section 3, and page 14 of the Policy & Bylaws Manual.
 - a. Executive Committee: no report
 - b. Education Committee: Bruce Fong reported that they were five applicants over the past year for licensure and/or certification. Status and review of the process in preparation of examinations and that there was no contact by applicants for assistance in preparing for the examination. Executive Director Eklof said the board office provided reference materials when requested. Fong also discussed the recent looser requirements of applicant testing, i.e. being able to take the test on a predetermined date other than during a regularly scheduled Board meeting, but without license or certificate being issued until reviewed and/or interviewed by the Board.
 - c. Investigative Committee: no report
 - d. Financial Committee.
 - i. As Secretary-Treasurer Bruce Fong reported the committee has not yet met but is planning on working to resolve the Attorney General's bill investigating several options and reviewing the AG's billing. The committee is scheduled to meet prior to the next board meeting.
 - ii. Secretary-Treasurer Report. Executive Director Eklof provided a projected budget for the Board Office of \$34,698 not including payments to the AG. She also had provided a Balance Sheet and a Profit & Loss report. The AG bill through December 31, 2007 shows the Board owing \$109, 453. There were no questions from the Board.
 - e. Policy Manual Committee – Additions/deletions/new language to the Policy & Bylaws Manual are presented for Board discussion and approval at the next Board meeting per Agenda supplements D2e. No vote to be taken until next meeting of the Board.
 - f. NRS 630A Committee – No report
 - g. NAC 630A Committee – No report
3. **President's Report.**
 - a. Six month report was due before the Sub-Committee on Legislative Audits February 29, 2008. Due to the BHME meeting, Fuller Royal was unable to attend as the Board's representative. LCB Auditor Paul Townsend advised the Board through phone communications that questions emanating from the Sub-Committee could be answered in a letter to Mr. Townsend, and could be formally presented to the Sub-Committee during the next meeting in May 2008.
 - b. Fuller Royal reported the completion of information requested from the Sub-Committee of the Legislative Committee on Health Care to Review Laws Concerning Providers of Health Care, the Use of Lasers and Intense Pulsed Light therapy, and injections of Cosmetic Substances.
4. **Vice President's Report – No report.**

Agenda Item E: Executive Director's Report.

1. **The Executive Director recommended the Board purchase** a new fax machine as the existing one is unreliable. Thomas Lee, APH, stated (from the audience) that he had one he would donate to the board. A printer and fax machine combo. The offer was accepted with thanks to Dr. Lee. Suggested some changes to the

website to make it more user-friendly for foreign people interested in seeking information. Bruce Fong suggested the Executive Director explore the costs for making some changes to the site.

2. **With reference to the complaints the Board has received**, Ms. Eklof said she does receive calls from the complainants and reported that the Complaint Committee plans to meet prior to the next Board meeting.
3. **Open Meeting Law Complaint (AG File No. 08-002) letter from the Office of the Attorney General** pursuant to a complaint filed for alleged violations of NRS 241.033 during the December 20, 2007 meeting. Senior Deputy Attorney General George Taylor wrote in his February 15, 2008 letter to the Board:

“Similarly, there were then eight successive motions made by member Pourzan which must be address in the February 29, 2008 meeting. These eight matters, all of which were approved, save one, authorized the chairman of the BHME complaint committee to take any and all action including legal action against the Office of the Attorney General to (1) obtain copies of the complaints filed with BHME remaining unresolved; (2) obtain written summaries of unresolved complaints; (3) obtain a written summary of work, to date, performed by the Attorney General’s office Of any unresolved complaints; (4) obtain copies of all investigative and evidentiary materials, of any nature whatsoever, that relate to any unresolved BHME complaint; (5) obtain a list of witnesses or persons who may have provided information of any nature whatsoever to the Office of the Attorney General in relation to any unresolved BHME complaint; (6) obtain a written opinion from the Office of the Attorney General setting forth the position and proposed course of action in relation to any unresolved BHME complaint, and (7) authorized the president and the secretary-treasurer to act in concert with the chairman of the complaint committee in the event that legal action is taken. Member Pourzan’s eight motion was withdrawn after discussion by the members.”

The seven motions Board member Cyrus Pourzan made during the December 20, 2007 board meeting were approved by the Board.

The office of the Attorney General informed the board it must cure the violations. The Open Meeting Law allows public bodies to cure violations and avoid enforcement action by the Office of the Attorney General. The Board can either rescind or revote matters that were previously violations of the Open Meeting Law during the December 20, 2007 telephone meeting.

Senior Deputy Attorney General Keith Marcher was present specifically to inform the Board of choices of action available to the Board, which were as follows: to rescind, reapprove or do nothing in regards to the aforementioned motions. Mr. Marcher reiterated that he was not telling the Board what to do, but told the Board the Attorney General’s Office would take legal action against the Board if the Board failed to take the proper action pursuant to the seven motions. Mr. Marcher assured the Board that the 7 motions could be placed on an agenda and revisited during a future Board meeting in conformity with the Open Meeting Law.

Member Bruce Fong expressed his concern for the record of the problems with the Board’s complaints currently in the hands of the Attorney General’s office. He also expressed that there was much frustration on the part of many of the Board members as to the pace of the handling of these issues thus providing the possible underlying reasons for the actions taken at the February 29, 2008 meeting.

President Fuller Royal recommended the Board vote to rescind and to place those motions on an agenda for a future meeting.

Motion: Leticia Gardea moved to rescind the 7 motions approved by the Board during the 20 December 2007 meeting, which were ruled by the Office of the Attorney General to be in violation of the Open Meeting Law and to revisit them in a future meeting.

Second: Dan Royal.

Action: Passed unanimously.

Agenda Item F: Election of officers for the term beginning July 1, 2008 and ending June 30, 2009. Leticia Gardea suggested an election be held when more Board members are present.

Motion: Leticia Gardea moved to table the election for a future Board meeting when more Board members would be in attendance.

Second: Bruce Fong.

Action: Passed unanimously.

Agenda Item B – Approval of December 20, 2007 Minutes.

Motion: Dan Royal moved the Board table its review/approval of the 12/20/07 minutes until the next meeting, which would allow Board members have review Dr. Royal's corrections/deletions/additons to the minutes.

Second: Bruce Fong seconded.

Action: Passed unanimously.

Agenda Item C 1—APH applicant George Eversaul was present for an interview before the Board. His application was in order; his protocol and "informed consent" form accompany his application. He has passed the written examination.

Motion: Bruce Fong moved to approve George Eversaul to be certified as an Advanced Practitioner of Homeopathy.

Second: Leticia Gardea

Action: George Eversaul's supervisor, Fuller Royal recused himself and did not vote; the motion passed with all other Board members voting "Yea."

Agenda Item C 1— APH applicant Deborah Inskip had not completed the exam before the Board had completed its business. After a discussion, the Board interviewed Ms. Inskip, and asked if she could complete the Exam at the Board office within the next two weeks in the time allotted to complete the 3 hours. She agreed.

Motion: Bruce Fong moved to approve Deborah Inskip to be certified as an Advanced Practitioner of Homeopathy, provided she passed the written examination.

Second: Leticia Gardea

Action: Passed unanimously.

Agenda Item G. Public Comment: Tiffany Vander Stoker noted an error on Maged, Maged credentials. A typing error on protocol had listed him as an HMD and not an APH. The error was corrected by Bruce Fong.

Agenda Item H. The next meeting time was left to the discretion of the President.

Agenda Item I: Adjournment.

Motion: Bruce moved to adjourn the meeting.

Second: Leticia Gardea.

Action: Passed unanimously

The meeting, including a 30 minute recess, ended at 3: 26 p.m. Pacific Time; meeting time was 1hr. 40 min.

Bruce Fong, DO, HMD, Secretary-Treasurer

DATE