

# MINUTES

## REGULAR MEETING OF THE

## NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

PUBLIC BODY: NEVADA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

DATE: 4 April 2008

TIME OF MEETING: 1:00 p.m. Pacific Time

LOCATION OF MEETING: Nevada State Board  
Homeopathic Medical Examiners  
435 Court Street  
Reno, NV 89501

**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 (by phone)
- Valerie Kilgore, Member and Vice President, Present (by phone)
- Bruce Fong , DO, HMD, Member and Secretary-Treasurer, Present
- Diane Kennedy, Member, Present (by phone)
- Daniel Royal, DO, HMD, Member, Present (by phone)
- Cyrus Pourzan, MD, HMD, Member, Present (by phone)
- Leticia Gardea, Member, Present (by phone)
- Executive Director, Nancy Eklof, Present
- Keith Marcher, Senior Deputy Attorney General, Counsel to the Board

**MEMBERS OF THE PUBLIC:**

Tom Lee, APH, at the Homeopathic Board Office

The meeting was **called to order at 1:07 p.m. Pacific Time** by Fuller Royal, President, and a roll call was taken to determine a quorum. All members were present. Tom Lee was welcomed as a member of the public. The Chair set 3:00 p.m. as the time for adjournment. Diane Kennedy requested a written legal opinion from the Office of Attorney General declaring that the meeting was not breaking the Open Meeting Law.

(The discussion prior to and following Diane Kennedy's motion needs to be placed into the minutes by the Executive Director or Secretary-Treasurer. Fuller Royal, with the Vice President's approval, relinquished the Chair to the Secretary-Treasurer for the remainder of the meeting.)

**Because the first 30 minutes were attacking the agenda and the Chair, someone other than the Chair will need to provide the minutes here.**

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**Motion:** Diane Kennedy moved not to approve today's agenda

**Second:** Cyrus Pourzan

**Action:** Diane Kennedy, Cyrus Pourzan, and Leticia Gardea voted "Nay." Fuller Royal, Dan Royal, Bruce Fong, and Valerie Kilgore voted "Yea." Motion passed. The Agenda was approved.

(Diane Kennedy withdrew from the meeting following the Board's action to approve the Agenda.)

B. Minutes of previous Board meetings:

1. 20 December 2007 Minutes: The Executive Director stated each Board member had been sent a copy of the minutes with Dan Royal's recommendations for additions prior to the 29 February 2008 Board meeting. The Board voted to table any discussion or action until the next Board meeting to allow Board members to study the minutes and Dan Royal's additions to those minutes. Cyrus Pourzan, Valerie Kilgore, and Leticia Gardea stated they had not reviewed the 20 December 2007 minutes or Dan Royal's recommended additions, which was included in the packet of materials to be reviewed and discussed during today's meeting.

**Motion:** Cyrus Pourzan moved to table any discussion or action in regards to the 20 December 2008 minutes until the next Board meeting.

**Second:** Fuller Royal

**Action:** Cyrus Pourzan voted "Yea." Fuller Royal, Dan Royal, Valerie Kilgore voted "Nay." The Chair did not vote. (Leticia Gardea withdrew from attending the meeting prior to the vote at 1:44 p.m. Pacific Time) Motion failed.

Following a discussion of the minutes and additions to the minutes submitted by Dan Royal for inclusion, the following motion and action was taken by the Board.

**Motion:** Fuller Royal moved to approve the 20 December 2007 minutes and Dan Royal's additions to the minutes with the exclusion of comments made by two Board members following a statement made by Senior Deputy Attorney General Keith Marcher in Agenda Item C4 on the last page of the minutes.

**Second:** Valerie Kilgore

**Action:** Cyrus Pourzan voted "Nay;" Fuller Royal, Dan Royal, and Valerie Kilgore voted "Yea." Motion passed with the Chair not voting.

2. 29 February 2008:

**Motion:** Fuller moved to approve the minutes of the 29 February 2008 meeting.

**Second:** Dan Royal

**Action:** Cyrus Pourzan voted "Nay." Fuller Royal, Dan Royal, and Valerie Kilgore voted "Yea." Motion passed with the Chair not voting.

D. Executive Business.

1. Policy and Bylaws Manual: Additions/deletions/new language to the Policy and Bylaws were presented during the 29 February 2008 annual Board meeting. This material was reviewed by the Board.

**Motion:** Dan Royal moved to approve the additions/deletions/new language to the Policy and Bylaws Manual.

**Second:** Fuller Royal

**Action:** Passed with all Board members voting "Aye."

2. NAC 630A Committee: Fuller Royal, Chairman of the Committee, presented each of the 24 Sections to be presented during a public workshop for additional input. Prior to holding a public workshop, the approved proposed regulation will be sent to the Legislative Counsel Bureau for review. After making corrections in the wording of the regulation, the LCB will return the regulation to the Board. The Board will then provide all licensees and certificate holders with a copy for additional input. The Board will hold a

public meeting after the workshop to review comments from the public, licensees and certificate holders to finalize the regulation. Dr. Fong asked about replacing the term "renewal" of a license or certificate with "registration." That deletion/new language was present in LCB 125-06, the regulation previously introduced, but never acted upon by the 2007 Legislative Subcommittee of the Legislative Commission.

**Motion:** Fuller Royal moved to approve the proposed regulation to proceed pursuant to NRS 233B.040.

**Second:** Daniel Royal

**Action:** Cyrus Pourzan and Valerie Kilgore voted "Nay." Fuller Royal, Daniel Royal, and Bruce Fong voted "Yea." Motion passed.

3. Financial Committee report; Secretary-treasurer's report:

a. + b. Financial Committee (Ad Hoc): Diane Kennedy Chairman was not in attendance. Bruce Fong, Secretary-Treasurer, a member of the Committee gave a brief summary of the meeting. Work is in process to address and reduce the Board's financial indebtedness to the Office of Attorney General. Nancy Eklof, Executive Director, is continuing to work on a budget and will provide the Board with such in the near future. Dr. Fong tabled this agenda item for a future meeting, since there was no business for Board action at this time. He stated Diane Kennedy,

**Motion:** Fuller Royal moved to table Agenda Item D3a until such time as the Chairman of the Finance Committee could present her report to the Board.

**Second:** Valerie Kilgore

**Action:** All Board members voted "Aye." Motion passed.

4. Dan Royal's requested agenda Items:

a. Dan Royal requested the Board review its procedures for approving the supervision of Tom Lee, APH, and Maged Maged, APH because he did not have copies of certain required documents, such as a copy of the informed consent during the 2-29-08 Board Meeting; He reviewed the code requiring certain documents being in place for Board review and approval (NAC 630A.490). A concern was also expressed about the need for the supervising physician to be available to the APH by phone or in person at all times. No action was taken by the Board.

b. Dan Royal had concerns that informed consent forms may not be in place for other certified APHs with copies in the Board files. He was also concerned with the fact that there was no contact information with regards to the protocol of one of the APHs, as required in NAC 630A. 250. 350 (3) (a). The Chair stated the information is on file at the Board office and can be found on the Board's website. Dan Royal quoted from NAC 630A.460 (1) (c) wherein the supervisor must develop a procedure for monitoring each APH. He asked if the Board had in place a means to monitoring this requirement. Dan Royal stated he does not serve as a supervisor for an APH. The Chair stated that since there has never been a complaint filed against a supervising physician in regards to Dr. Dan Royal's concerns, the Board has not implemented a means for investigating supervising physicians in this regard. The Chair stated that the Board's adopted regulation (LCB File No. 125-06) contained a means for carrying out inspections to determine if licensees were in compliance with this requirement, but the regulation never was approved by the Subcommittee of the Legislative Commission of the Legislature during the 2007 Legislative session. Dan Royal stated the Board has a right to make certain the supervising physicians are in compliance with the Code. Dan Royal volunteered to investigate the supervising physicians if assigned by the Board to do so.

**Motion:** Cyrus Pourzan moved to table any decision as to Dan Royal's investigating supervising physicians to determine their compliance with the Code.

**Second:** Fuller Royal

**Action:** Passed by unanimous vote.

- c. Dan Royal stated in view of the "LCB Opinion" during the past year, the Board needs to review its definition of "The Practice of Homeopathic Medicine" in Nevada as defined in NRS 630A.040 and NAC 630A. Fuller Royal was not aware of any opinion being rendered during the past year. Dan Royal said the Opinion was rendered to Senator Schneider on 31 January 2007. Dan Royal stated the Opinion had been provided each Board member and the Board's legal counsel, but Fuller did not recall every receiving such. Fuller Royal asked for a copy. Dan Royal stated he would first have to get permission from Senator Schneider.

**Motion:** Cyrus Pourzan moved to table agenda item D4c for further review and discussion at a future meeting.

**Second:** Valerie Kilgore

**Action:** Passed by unanimous vote.

F. Election of Officers;

**Motion:** Cyrus Pourzan moved to table the election of officers until all Board members are present to participate.

**Second:** Fuller Royal

**Action:** Passed unanimously.

G. Public Comment. None

H. Announcements; There were no announcements; future meeting to be called by the President.

I. Adjournment

**Motion:** Valerie Kilgore moved to adjourn the meeting.

**Second:** Cyrus Pourzan

**Action:** Passed by unanimous vote.

**Time of Adjournment 3:08 p.m. Pacific Time**