

**STATE OF NEVADA
HOMEOPATHIC MEDICAL EXAMINERS BOARD
Board Meeting
Saturday, August 28, 2010 – 9:30 a.m.
Residence Inn/Marriott
9845 Gateway Drive
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
Diane Kennedy, Member – present
Cyrus Pourzan, MD, HMD, Member – present
Leticia Gardea, Member – present
Corazon Ibama, Member - present
Nancy Eklof, Executive Director – present
Robert Eslinger, Member and Vice President – absent
KJ Smith, Member and Secretary-Treasurer - absent
Colleen Hemingway, Deputy Attorney General, Counsel to the Board –absent

MEMBERS OF THE PUBLIC:

Tom Lee, ND, APH
Babs Clough, RN, APH
Magid Magral, APH
Pamela Fox-Reid (to take minutes)

A. OPEN SESSION

1. **Call to order** – The meeting was called to order at 9:46 a.m. by President Fong with a quorum of five members present.
2. **The Chair will set the time for adjournment** – The meeting time for adjournment was set for 3:00 p.m.
3. **Verification of Posting and Mailing** - Nancy Eklof, Executive Director, verified that the meeting was duly noticed by posting and mailing in accordance with Open Meeting Law.
4. **Welcome all visitors/Determination of Press Presence** – President Fong welcomed the visitors, those taking the test and members of the public present. There was no press present.

B. APPROVAL OF AGENDA FOR THIS MEETING – Leticia Gardea moved to approve the meeting agenda. Cyrus Pourzan seconded the motion. Motion carried unanimously.

C. EXECUTIVE BUSINESS

1. President Fong stated: “Today’s meeting will 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 (NRS). The Chair or Board Members may vote to suspend the Rules for taking agenda items out of order if circumstances require such.”

2. Introduction of Applicants – President Fong noted that the introductions would be taken out of the order in which they appear on the agenda. It was noted that Robert Burkich, MD is not present and will not be taking the examination. President

Fong commented that the Board's Secretary/Treasurer, K.J. Smith, is not present at the meeting due to a family emergency. He introduced the applicants present:

- **Dexter Magdale, MD** – He reported that Dr. Magdale is seeking an HMD license. He has reviewed Dr. Magdale's application, and it is in order. President Fong listed Dr. Magdale's qualifications. He recommended that Dr. Magdale be forwarded for his examination. Board member Pourzan requested to know if his medical diploma has been confirmed, and President Fong replied that all of the necessary information is in his file for review. Nancy Eklof noted that it also has been confirmed online. **Cyrus Pourzan moved to allow Dr. Dexter Magdale to sit for the examination. Courazon Ibarra seconded the Motion. Motion carried unanimously.**

President Fong commented that he would introduce all of the candidates, and then they would be taken into the other room for the examination at the same time.

- **Jeff Hanson, ND** – President Fong introduced Dr. Hanson, who is a Naturopath and is seeking to become an Advanced Practitioner. He reported he has reviewed Dr. Hanson's application and everything appears to be in order. His educational background was listed, and President Fong recommended that Dr. Hanson be forwarded for his examination.

President Fong commented that as a full disclosure, he has reviewed with Dr. Hanson, Dr. Magdale and Imelda Milare for the examination. Therefore, he will be acting as Chairperson and let the other Board members make the decisions regarding moving the candidates forward.

Diane Kennedy moved to allow Dr. Hanson to sit for the examination. Cyrus Pourzan seconded the Motion. Motion carried unanimously.

- **Imelda Milare, RN** – President Fong disclosed that he has known the candidate in a professional capacity for many years. He reviewed her qualifications and stated that her application was in order. Board member Pourzan requested to know if the candidate was currently licensed as an RN in Nevada. Ms. Milare responded that she is not currently licensed as an RN, but does hold a current Nevada license as a Long Term Care Administrator and has operated a group home for the past fourteen years. Board member Pourzan requested to know why it has taken so long for the candidate to apply for the APH examination. Ms. Milare replied that time had been an issue due to the commitment necessary to run her business. **Cyrus Pourzan moved to allow Imelda Milare, RN to sit for the examination. Diane Kennedy seconded the Motion. Motion carried unanimously.**

The three applicants who were approved were excused from the room in order to take the examination.

- **Keith Scott-Mumby, MD** – President Fong introduced Dr. Mumby and noted that Dr. Mumby was from the United Kingdom (UK). President Fong reviewed some of his qualifications, certifications and accomplishments, and noted that Dr. Mumby was requested to come to this country to teach complementary medicine. A letter from the Open International University For Complementary Medicines Degrees, United States Evaluation Authority, was presented. President Fong read a portion of the letter: "Degrees of the Open International University For Complementary Medicines have been evaluated as equivalents of the degrees from any accredited college or university of the United States", and he noted that the letter certifies that Dr. Mumby has a degree from this entity. President Fong commented that the reason this item is being presented in Open Session is because of the way that the NRS and NAC statutes are written. He noted that Dr. Mumby hasn't completed the licensing exams as required by the English Comprehension for Foreign Medical Graduates (ECFMG) and the USMLE. The discussion today is whether or not, based on the information in Dr. Mumby's file, he has an equivalency to allow the Board to potentially make an exception in this case. Discussion followed regarding this issue.

Leticia Gardea moved to table this item pending further investigation and analysis. Corazon Ibarra seconded the Motion. President Fong commented that the issue is whether or not Dr. Mumby is granted a license by reciprocity versus by examination, and agreed that this is a gray area of the law. President Fong and Board member Kennedy stated that they would abstain from voting on the issue due to their previous interactions with Dr. Mumby. Further discussion was held. Dr. Mumby commented that the possibility of reciprocity is still being researched. **Leticia Gardea clarified her Motion to table this item to seek further information to enable the Board to make a decision regarding whether or not Dr. Scott Mumby could seek licensure via examination or reciprocity. Corazon Ibarra seconded the Motion. President Fong called for the question. Motion carried with Bruce Fong and Diane Kennedy abstaining.**

D. REPORTS/EXECUTIVE

President - President Fong commented that he is considering the appointment of an ad hoc committee to assist him in reviewing the credentials of candidates. He requested input from the Board. Board member Kennedy suggested that rather than an ad hoc committee, another licensed Board Member could be requested to assist in reviewing the credentials files. A brief discussion was held regarding the events that led up to the issue regarding Dr. Mumby's application. President Fong reported that during his term, he will be working to assist in changing the statutes to allow the expansion and scope of the Board.

Vice President - No report was presented.

Secretary/Treasurer – No report was presented.

Executive Director – Nancy Ecklof reported:

- The Profit & Loss Statement for the last fiscal year has been distributed to the Board. She reviewed items from the report. The status of the attorney general's bill was reviewed.
- Two fifteen-second public service announcements have been created. She reviewed their content, and commented that she will forward them to members of the Board when they are completed, which will be by September 15, 2010.
- President Fong commented that he and Ms. Ecklof have met with the Governor's Chief of Staff on several occasions. The Governor's staff has expressed their approval of the work that is currently being done by this Board.

E. APPROVAL OF JUNE 16, 2010 BOARD MEETING MINUTES - Diane Kennedy moved to approve the June 16, 2010 meeting minutes as presented. Leticia Gardea seconded the motion. Motion carried unanimously.

F. REVIEW REVISED PROTOCOL FOR DR. DAN BRADY – It was noted that the revised protocol was included in the agenda packet. President Fong commented that an issue was raised at the last Board meeting pertaining to the ability of Dr. Brady to interact with Dr. Shallenberger regarding specific patients who were thought to be more seriously ill and who required a more fully licensed physician. The revised protocol was written to address this issue as an addendum to Dr. Brady's other protocol. **Cyrus Pourzan moved to approve the revised protocol addendum as presented with a provision stating that all patients who have the following symptoms: chronic lung infections, history of heart and lung disease, diabetes, auto-immune disorders, any complicated endocrine disorders, all cancer related cases, any complicated circulatory disorders, cases that involve severe and complicated viral and bacterial disorders will be referred immediately to Frank Shallenberger, MD. Leticia Gardea seconded the Motion.** President Fong clarified that the first sentence of the second paragraph of the proposed addendum be revised to read: "I would be referring all patients to Dr. Frank Shallenberger with the following circumstances: ...". **Motion carried unanimously.**

G. COMMITTEE REPORTS

Executive Committee – President Fong noted that the Executive Committee is designed to handle day-to-day business in the absence of the full Board. There is no report from the committee at this time.

NRS/NAC Policy Manual – President Fong reported that he had distributed to the Board a document regarding proposed changes to the NRS to allow the expansion and scope of the Board. He requested that Board members review the document and another Board meeting be scheduled within the next two weeks for purposes of discussion. It was suggested that due to vacation schedules, the meeting be scheduled in the near future, but not within two weeks. President Fong commented that some Board members have stated that other issues, such as increasing enforcement abilities and possible fee changes, should also be researched by the committee for presentation to the Board. Any comments regarding the proposed changes that have been distributed should be forwarded to Nancy Ecklof for review by the committee.

Finance Committee – President Fong stated that this item has previously been discussed under the Executive Director's report.

Education Committee – President Fong commented that the committee had a meeting on June 4, 2010 to review their goals. The committee will continue to review educational requirements. He stated that he will be requesting the committee seek input from community members and others regarding questions that can be added to the exams, as well as their content, in order to update them.

Investigative Committee – Board member Pourzan reported that the committee met yesterday. No new complaints have been received. He noted that a continuous stream of complaints is received from members of the public regarding unlicensed practitioners providing services in the state. There has been discussion regarding posting the names of these unlicensed

practitioners and the fact that they are not licensed to practice in the state. It was noted that this would need to be done based upon legal counsel's advice. Also, the NRS/NAC Policy Committee is requested to include language in the proposed revision of the statutes that gives the committee more power to act against these parties when complaints are received since the Attorney General's office does not pursue issues. President Fong suggested that this be an action item on the next Board meeting, and future committee reports placed on the agenda be designated as Discussion/Action items.

Science & Technology – President Fong reported that the committee has not yet met. He will request that the committee review any developing or potentially controversial technologies or techniques that are being utilized in the area of Alternative/Complementary/Integrative Medicine.

Natural Medicine – Dr. Lee distributed a draft letter to the Board from the committee that would be sent to alternative medical professionals in order to assist in achieving the outreach goals. He noted a change in the draft in the third paragraph, last sentence which should read: "...complementary practitioners of medical care in Nevada." Dr. Lee requested input from Board members and asked that this be an action item on the Board's next meeting agenda. The membership of the committee was reviewed. President Fong requested to know if the committee has reviewed the number of Naturopaths who are currently in the State of Nevada. Dr. Lee replied that they have not but he could contact the surrounding states to see if he could obtain information regarding licensed practitioners who list Nevada as a state in which they practice. President Fong suggested that this information be obtained.

Development – No report was given.

Recess – Recess was taken from 11:33 a.m. to 11:40 a.m.

K. OLD BUSINESS

Meeting With Governor's Staff Regarding Board's & Commission's Future – Board member Kennedy reported that the Governor's staff is looking at budget reductions, and a discussion was held with representatives from all Boards. Staff reported that options under review were combining some Boards and the elimination or sunset of others. No specific proposals were made. Board member Kennedy commented on the impact of the old invoice owed by the Board to the Attorney General's Office. She pointed out that the power of the Board is the voice of the patients. President Fong reiterated that when he and Ms. Eklof met with the Governor's staff, the meeting was very favorable and they were impressed with the Board's work. Board member Pourzan commented that the Board generates income and is self-funding. The only issue is the Attorney General's past billings. Board member Gardea commented that public awareness of the Board will be important.

L. NEW BUSINESS – A discussion of the public relations activities was held. Some of the benefits available to licensed practitioners, which are located on the website, were reviewed. President Fong reviewed the difference between a licensing board and an association. President Fong appointed Board member Gardea to serve on the Development Committee. Board member Gardea accepted the appointment. Ms. Eklof will develop a formal letter of appointment.

N. ANNOUNCEMENTS - President Fong stated that since the Committee Reports agenda item was not designated as an action item, he would like to have a brief Board meeting via telephone to address some of the issues discussed, under that portion of the agenda. After review of the schedules of Board Members, it was decided that the meeting will be scheduled for Friday, September 3, 2010.

Cyrus Pourzan moved to recess for lunch until 1:30 p.m. Leticia Gardea seconded the Motion. Motion carried unanimously.

President Fong reconvened the meeting at 2:46 p.m.

M. PUBLIC COMMENT - There were no Public Comment requests.

Recess - The meeting recessed from 2:50 p.m. until 3:04 p.m., in order to provide time for test applicants to arrive.

I. ANNOUNCE RESULTS/INTERVIEW APPLICANTS THAT HAVE PASSED THE EXAM – President Fong announced:

- **Jeff Hanson, ND** has passed his licensure examination. **Cyrus Pourzan moved to approve Jeff Hanson, ND as an Advanced Practitioner of Naturopathy. Corazon Ibarra seconded the Motion. Motion carried unanimously**

- **Dexter Magdalene, MD** has passed his licensure examination. **Diane Kennedy moved to approve Dexter Magdalene as an HMD. Leticia Gardea seconded the Motion. Motion carried unanimously.**

Recess – President Fong called a two-minute recess from 3:05 p.m. to 3:07 p.m..

- President Fong announced that **Imelda Milare, RN** did not pass the licensure examination. He noted that this information has been conveyed to Ms. Milare privately.

O. ADJOURN – There being no further business, the meeting adjourned at 3:07 p.m.

Cyrus Pourzan moved to adjourn the meeting. Cora Ibarra seconded the Motion. Motion carried unanimously.