



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

PUBLIC NOTICE

BOARD MEETING

December 12, 2023 @ 5:30 PM

AT THE FOLLOWING LOCATION:

***Nevada State Board of Osteopathic Medicine ~ Conference Room
2275 Corporate Circle, Suite 210
Henderson, NV 89074***

Please Note: The Board may take action on any agenda item delineated for action (discussion /for possible action); likewise, no action may take place on non-agenda items, including public proposals.

A (+) plus sign preceding an agenda item signifies that if the matter is an action item, in certain situations, the option exists to declare the meeting on that agenda item to be a Closed (Executive) Session per NRS 241.030.

All information or documents supplementing agenda items that are not otherwise confidential will be available in limited quantity at the board meeting office.

***** MINUTES *****

I. CALL TO ORDER (Discussion/ For Possible Action) Carla Perlotto, President

Roll call to determine presence of a quorum.

Carla Perlotto, PhD

Swadeep Nigam, MSc, MBA, Public Member

Paul Janda, D.O.

Jaldeep Daulat, D.O.

Nasin McDermott, D.O.

Board Staff present:

Frank DiMaggio, Executive Director

Clayton Bailey, Board Investigator

Richard Dreitzer, Esq., Board Counsel

Public:

Susan Fisher, McDonald Carano

Amanda Brazeau, Nevada Academy of Anesthesiologist Assistants

Stephanie Zunini, President of the Nevada Academy for Anesthesiologist Assistants

II. PUBLIC COMMENT

NOTE: Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

No public comments were received.

III. APPROVAL OF MINUTES (Discussion/For Possible Action) Carla Perlotto, President

- a. Board Meeting Minutes from November 7, 2023-Dr. Janda made a motion to approve the Board meeting minutes from November 7, 2023; seconded by Mr. Nigam. There being no discussion the Board meeting minutes from November 7, 2023, were approved by the Board.

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS AND PHYSICIAN ASSISTANTS (Discussion/ For Possible Action) Carla Perlotto, President

Under this item the Board may consider the recommendations of the Executive Director and/or President/Vice President to grant licensure to the below listed applicants. The Board may remove any applicant’s name from the consent motion but may not discuss the contents of the application for licensure without the applicant present following proper notice pursuant to the open meeting law.

Effective January 1, 2024

Osteopathic Physician Name

Melissa Dawson, D.O.

Judith Glaser, D.O.

Robert Hendry, D.O.

Patrick Janik, D.O.

Omar Jawhar, D.O.

Heather Jinks, D.O.

Joel Jones, D.O.

Damon Kalcich, D.O.

Eric Kwo, D.O.

Kevin Petersen, D.O.

Alison Turpen, D.O.

Steven Wallach, D.O.

Specialty

OB/GYN

Physical Medicine and Rehabilitation

Internal Medicine

Psychiatry

Diagnostic Radiology

OB/GYN

Family Medicine

General Surgery

Osteopathic Neuromusculoskeletal Medicine

General Surgery

Emergency Medicine

Family Medicine

Physician Assistant Name

Neil Jones, PA-C

Thoann Ngo, PA-C

Supervising Physician

Ryan West, D.O.

Active-Not Working

Mr. Nigam made a motion to approve the licenses for the applicants as written above; seconded by Dr. McDermott. There being no discussion, the Board unanimously approved licensure for the applicants as written above.

V. +DISCUSSION/CONSIDERATION/ACTION REGARDING THE MATTER OF GARY DESHAZO, D.O., CASE NO. PB1407002 CONCERNING POSSIBLE CONFESSION OF JUDGMENT BY GARY DESHAZO, D.O., AND POSSIBLE PAYMENT PLAN AND RESTITUTION AGREEMENT FOR GARY DESHAZO, D.O. (Discussion/For Possible Action) NOTE: The Board may go into closed session to consult with legal counsel pursuant to NRS 241.015(3)(b)(2). Carla Perlotto, President

Mr. Nigam made a motion to go into closed session per NRS 241.015(3)(b)(2); seconded by Dr. McDermott. There being no other discussion, the Board approved going into closed session for this matter, at which time the Board took up this matter in closed session.

Dr. Perlotto made a motion to go back into open session; seconded by Mr. Nigam. There being no other discussion the Board approved returning back into open session.

Dr. Perlotto made a motion to accept a restitution agreement between the Board and Dr. Deshazo with a payment plan of \$250.00 per month which agreement will include a provision that Dr. Deshazo is to notify the Board within sixty days of gaining employment at which time the Board will reevaluate the payment plan; and that, in addition to that agreement, there will be a Confession of Judgment from Dr. Deshazo; seconded by Mr. Nigam. There being no other discussion, the Board approved a restitution agreement between the Board and Dr. Deshazo with a payment plan of \$250.00 per month which agreement will include a provision that Dr. Deshazo is to notify the Board within sixty days of gaining employment at which time the Board will reevaluate the payment plan; and that, in addition to that agreement, there will be a Confession of Judgment from Dr. Deshazo

VI. CONSIDERATION AND POSSIBLE ACTION REGARDING PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 633 (Discussion/For Possible Action) Carla Perlotto, President

- a. *Review of Public Comments from Public Workshop held on December 5, 2023, at 1:30 p.m. regarding the possible Repeal of NAC 633.273; NAC 633.274; NAC 633.380; NAC 633.410; NAC 633.420; NAC 633.440; NAC 633.450; NAC 633.454; NAC 633.457; and NAC 633.466.*

Executive Director Frank DiMaggio stated that there were no comments or questions of any kind on these proposed deletions to NAC chapter 633. Since there were no proposed comments or deletions, Executive Director DiMaggio requested a motion from the Board to approve sending the named ten regulations to the LCB for proposed deletion from NAC chapter 633.

Dr. Perlotto made a motion approving sending the named ten regulations to the LCB for proposed deletion from NAC chapter 633; seconded by Dr. McDermott. There being no other discussion, the Board approved sending the named ten regulations to the LCB for proposed deletion from NAC chapter 633.

- b. *Review of Public Comments from Public Workshop held on December 5, 2023, at 2:00 p.m. regarding Proposed New Additions to NAC Chapter 633 regarding the Definitions of “Anesthesiologist Assistant”, “Assist in the Practice of Medicine”, and “Supervising Osteopathic Anesthesiologist”; Licensing of Anesthesiologist Assistants; Investigation of Complaints Regarding Anesthesiologist Assistants; Discipline of Anesthesiologist Assistants; Hearings Regarding Anesthesiologist Assistants; Scope of Practice and/or Conduct of Anesthesiologist Assistants; the Issuance of Temporary Licenses to Anesthesiologist Assistants; Renewal of Anesthesiologist Assistant Licenses; and Continuing Education for Anesthesiologist Assistants.*

Executive Director DiMaggio stated that paragraph b deals with the new additions to NAC Chapter 633 regarding anesthesiologist assistants.

Dr. Perlotto stated the first comment was from Stephanie Zunini commented that in section one of New Provision 1 of the proposed regulations, there was a misspelling in that the “o” in “neuroaxial” needed to be removed.

Dr. Perlotto made a motion to remove the “o” from the word “neuroaxial” in New Provision 1, section 1 of the proposed regulations; seconded by Mr. Nigam. There being no further discussion, the Board approved removing the “o” from the word “neuroaxial” in New Provision 1, section 1 of the proposed regulations.

A comment was made as to whether in section two of the New Provision 1 of the proposed regulation definitions for the words “neuraxial” and “regional” should be added. Executive Director DiMaggio stated that he had email exchanges from Ms. Fisher and Ms. Brazeau who stated that the Nevada Academy of Anesthesiologists Assistants is satisfied with not defining those two words as those two words are deemed standard in the anesthesiology context. Ms. Fisher stated she represents the Nevada Society of Anesthesiologists and they checked the proposed regulations from for the Nevada Board of Medical Examiners (NBME) and there are no definitions for those terms included in NBME’s proposed regulations because these terms are not used outside of the normal scope of practice. Amanda Brazeau stated she completely agreed with Ms. Fisher.

Dr. Perlotto made a motion to reject adding definitions of the words “neuraxial” and “regional” to New Provision 1, section 2; seconded by Dr. McDermott. There being no further discussion, the Board approved not adding definitions of the words “neuraxial” and “regional” to New Provision 1, section 2 of the proposed regulations.

Dr. Perlotto stated that Amanda Brazeau said in section 1(h) in New Provision 2 of the proposed regulations the word “administered” should be changed to “readministered” and “used” should be changed to “reused”. Mr. Dreitzer stated that it would make sense to make those changes.

Mr. Nigam made a motion to change the word “administered” to “readministered” and change the word “used” to “reused” in New Provision 2, section 1(h) of the proposed regulations; Dr. Perlotto seconded the motion. There being no further discussion, the Board approved changing the word “administered” to “readministered” and changing the word “used” to “reused” in New Provision 2, section 1(h) of the proposed regulations.

Dr. Perlotto stated that Amanda Brazeau’s next comment pertains to the New Provision 13, section 1 of the proposed regulations. The first sentence in said section refers to a student in an osteopathic anesthesiologist assistant training program. Ms. Brazeau wanted to note that there is no differentiation between osteopathic or non-osteopathic anesthesiologists assistant training programs. Ms. Brazeau suggested striking out the word “osteopathic” in the first sentence of section 1. Ms. Brazeau also suggested striking out the first occurrence of the word “only” in that same sentence because students in training can also work under a certified anesthesiologist assistant.

Dr. Perlotto made a motion to accept the changes of eliminating the word “osteopathic” and the first occurrence of the word “only” in the first sentence of New Provision 13, section 1 of the proposed regulations; seconded by Dr. McDermott. There being no further discussion, the Board approved eliminating the word “osteopathic” and the first occurrence of the word “only” in the first sentence of New Provision 13, section 1 of the proposed regulations.

A comment was made that, in the first sentence in section 1 of New Provision 13, the word “only” appears twice and that the first occurrence of “only” should be removed; that the second occurrence of the word “only” should remain; and that the word “osteopathic” be inserted after the words “delivery of” and before the words “medical care”.

Dr. Perlotto made a motion to insert the word “osteopathic” be inserted after the words “delivery of” and before the words “medical care” in the first sentence of New Provision 13, section 1; seconded by Dr. McDermott. There being no other discussion, the Board approved inserting the word “osteopathic” after the words “delivery of” and before the words “medical care” in the first sentence of New Provision 13, section 1 of the proposed regulations.

Dr. Perlotto stated that another comment was made that, under New Provision 13, section 2, the words “certified anesthesiologist assistant” should be added as a qualified anesthesia provider.

Mr. Nigam made a motion to add the words “certified anesthesiologist assistant” to the list of qualified anesthesia providers in New Provision 13, section 2; seconded by Dr. Perlotto. There being no other discussion, the Board approved adding the words “certified anesthesiologist assistant” to the list of qualified anesthesia providers in New Provision 13, section 2 of the proposed regulations.

Dr. Perlotto stated that a comment was received noting that in section 4 of New Provision 14 of the proposed regulations, it discusses the transfer of care and whether it would be appropriate to include anesthesiologist residents and anesthesiologist fellows because sometimes there is a transfer of care between residents and fellows. Executive Director DiMaggio stated that the current wording talks about transfers from one osteopathic anesthesiologist to another, and then it talks about transfer from one anesthesiologist assistant or certified registered nurse anesthetist to another anesthesiologist assistant or certified registered nurse anesthetist. Ms. Zunini stated in the initial discussion she stated that a certified anesthesiologist assistant can transfer care to a certified registered nurse anesthetist, osteopathic anesthesiologist, anesthesiology resident and an anesthesiology fellow. Ms. Zunini thought it would be appropriate to add anesthesiologist residents and anesthesiologist fellows to section 4 of New Provision 14 because they are technically different from a fully licensed osteopathic anesthesiologist.

Dr. Perlotto made a motion to add anesthesiologist residents and anesthesiologist fellows to the second sentence of New Provision 14, section 4, without the addition of the word osteopathic; seconded by Dr. McDermott. There being no other discussion, the Board approved adding anesthesiologist residents and anesthesiologist fellows to the second sentence of New Provision 14, section 4, without the addition of the word osteopathic.

Executive Director DiMaggio stated that Ms. Domonique Katona with the Nevada Academy of Physician Assistants made a public comment about a matter addressed in this paragraph b, specifically New Provision 11; that in New Provision 11, section 1, it provides that the Board may deliver a copy of letters of warning and caution to the supervising anesthesiologist for the anesthesiologist assistant, and that section 2 of New Provision 11 provides that the Board may deliver a copy of letters of warning and letters of caution regarding a physician assistant to the supervising osteopathic physician. Ms. Katona’s comment was that putting a provision regarding physician assistants in a section pertaining to anesthesiologist assistants could possibly create some confusion.

Dr. Perlotto made a motion to remove section 2 of New Provision 11 of the proposed regulations and create New Provision 20 of the proposed regulations and put that removed section there; seconded by Dr. McDermott. There being no further discussion, the Board approved removing section 2 of New Provision 11 of the proposed regulations and create a New Provision 20 of the proposed regulations and put that removed section there.

- c. *Review of Public Comments from Public Workshop held on December 5, 2023, at 2:00 p.m. regarding Proposed Amendments to NAC 633 regarding Anesthesiologist Assistants and Proposed Amendments to NAC 633.250 to require osteopathic physicians to provide the Board with Certificates of Completion or other proof satisfactory to the Board pertaining to continuing education required for renewal of license; NAC 633.335 regarding fees; NAC 633.350 regarding unethical conduct; and NAC 633.370 to include and deal with Anesthesiologist Assistants; and NAC 633.255(2) to include Physician Assistants and Anesthesiologist Assistants.*

Executive Director DiMaggio stated that this paragraph c deals with the amendments to the existing provisions of NAC chapter 633; that NAC 633.250 sets forth a requirement that osteopathic physicians provide the board with certificates of completion for their CME hours or other proof satisfactory to the Board pertaining to continuing education required for the renewal of their license; that NAC 633.335 that sets forth the fee structure for anesthesiologist assistants; that NAC 633.350 pertains to unethical conduct; that NAC 633.370 is amended to include anesthesiologist assistants; that. NAC 633.255 paragraph two is amended to include physician assistants and anesthesiologist assistants.

Dr. Perlotto made a motion to approve the proposed amendments to existing regulations of NAC chapter 633 as set forth in agenda item 6c; seconded by Dr. Janda. There being no other discussion the Board approved the proposed amendments to existing regulations of NAC chapter 633 as set forth in agenda item 6c.

Dr. Perlotto made a motion to approve the Board staff to send all the proposed deletions approved by the Board under agenda item 6a and all the proposed regulations and amendments to existing regulations with the changes as approved by the Board under agenda items 6b and 6c to the LCB; seconded by Mr. Nigam. There being no other discussion, the Board approved the Board staff to send all the proposed deletions approved by the Board under agenda item 6a and all the proposed regulations and amendments to existing regulations with the changes as approved by the Board under agenda items 6b and 6c to the LCB.

VII. EXECUTIVE DIRECTOR'S REPORT by Frank DiMaggio

Executive Director DiMaggio stated that he put copies of the financial reports for review in the Board folders and if anyone had any questions, he would be available to answer them.

Executive Director DiMaggio stated that we implemented a new licensing system from Thentia which has resulted in some delays in getting renewals done. Executive Director DiMaggio stated that all portals in Thentia are now open. Executive Director DiMaggio also noted that as of December 7, 2023, there were outstanding renewals for forty-six inactive licenses, sixty-seven physician assistants, ninety-four physician assistants active- not working and one thousand one hundred and five osteopathic doctors bringing the total to one thousand three hundred and twelve outstanding renewals.

VIII. LEGAL REPORT (Discussion/For Possible Action) by Richard Dreitzer (Fennemore Craig, LLC) Board Counsel

Mr. Dreitzer stated that the drafting of regulations has taken much of his time and he thanked Executive Director DiMaggio for all his help.

IX. *LEGISLATIVE UPDATE (Discussion/For Possible Action) by Susan Fisher, Board Government Affairs/Legislative Services Representative*

Ms. Fisher stated that the Nevada Legislature has not started healthcare committee meetings; that the chair of the healthcare committee resigned and is not running for reelection. Ms. Fisher also stated that she has worked with Executive Director DiMaggio and Board Counsel on the regulatory pieces that the Board just considered under agenda items 6b and 6c.

X. *ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA*

No items for future discussion.

XI. *PRESIDENT'S REPORT on Board Business, Carla Perlotto, President*

a. Next Board Meeting date is Tuesday, January 9, 2024, at 5:30 p.m.

Dr. Perlotto thanked the staff for their time and commitment to working with Thentia and for assisting our licensees with the new Thentia processes. She stated that the next Board meeting will be held on January 9, 2024.

XII. *PUBLIC COMMENT*

No public comments were received.

XIII. *ADJOURNMENT (For Possible Action) Carla Perlotto, President*

Mr. Nigam made a motion to adjourn the meeting; seconded by Dr. Janda. There being no further discussion, the Board approved adjourning the meeting.

Minutes approved by the Board at the January 9, 2024 Board Meeting.