



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

BOARD MEETING

October 10, 2023 @ 5:30 PM

AT THE FOLLOWING LOCATION:

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

To join by Video/Teleconference on your computer, mobile app or room device:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzhmNjA4MDYtY2U4ZS00YzRhLTgwNjYtN2EyMzE1Mjg4NjVj%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%2276406413-1c50-4588-afb3-65f34bf82c68%22%7d

To join by Meeting ID through Microsoft Teams:

Meeting ID: 291 568 827 304

Passcode: 7ZCb7i

Or to join by telephone (audio only):

Audio Conference Number: +1 775-321-6111

Phone Conference ID: 499 817 36#

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.

Board Members present:

Swadeep Nigam, MSc, MBA, Public Member

Paul Janda, D.O.

Jaldeep Daulat, D.O.

Carla Perlotto, PhD

Andrea Weed, D.O.

Board Staff present:

Frank DiMaggio, Executive Director
Carolyn Klein, Administrative Assistant
Richard Dreitzer, Esq., Board Counsel

Public:

Mark Chase, PRN
Tyler Miller, D.O.

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 September 12, 2023- Dr. Janda made a motion to approve the Board meeting minutes from September 12, 2023; seconded by Mr. Nigam. There being no discussion, the Board meeting minutes from September 12, 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.

Osteopathic Physician Name

*Christopher Baloga, D.O.
Jeremiah DeWitt, D.O.
Mary Ezeanuna, D.O.
Perry Funk, D.O.
Nora Guschwan, D.O.
Terry Himes, D.O.
Kevin Lougee, D.O.
Nathan Patterson, D.O.
Bernice Ponce de Leon, D.O.
Nathaniel Seck, D.O.
Aaron Shoskes, D.O.
Robert Thomas, D.O.
Shao-Hwa Wei, D.O.*

Specialty

*Ophthalmology
Family Medicine/OMT
Rheumatology
Family Medicine
Family Medicine
Neurology
Pathology, Forensic
Interventional Radiology
Psychiatry
Psychiatry
Neurology
Emergency Medicine
Neurology*

Physician Assistant Name

*Carlos Kelsey, PA-C
Amy Monrreal, PA-C
Cody Thorson, PA-C*

Supervising Physician

*Jonathan Baugh, D.O.
Active-Not Working
Active-Not Working*

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

V. **+CONSIDERATION/APPROVAL OF APPLICATION FOR LICENSURE FOR TYLER MILLER, D.O. (Discussion/For Possible Action)** Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion will have to do with this applicant's character, alleged misconduct, professional competence, or similar items) Carla Perlotto, President

Dr. Miller appeared in person. Dr. Perlotto advised Dr. Miller that he has the option to conduct this agenda item in open session or to conduct this agenda item in closed session. Dr. Miller chose to conduct this agenda item in open session.

Executive Director Frank DiMaggio stated that during Dr. Miller's residency the Board was notified that Dr. Miller has been ticketed for some DUI's, one in September of 2022 and one in December of 2022. The residency program notified the Board that Dr. Miller's special license (residency) needed to be extended. Dr. Miller's residency was scheduled to end on July 1, 2023. The residency program wanted the Board to extend Dr. Miller's special license for another two weeks. That is what propelled the Board to investigate why we needed to extend Dr. Miller's special license. Dr. Miller was very cooperative in providing the Board with all the information. Dr. Miller entered a five-year contract with PRN and the Board granted the extension of his special license. Dr. Miller is now before the Board asking for his full D.O. license.

Dr. Miller stated that he has made mistakes in residency and was going through a very difficult time for several months. He has accepted those mistakes and has attempted to make every change possible in his own life to get past them. He stated at that time he had a poor self-care program and, by getting in touch with Mark Chase, he is now taking accountability. He is in a much better place now than he was a year ago.

Mark Chase of PRN spoke on behalf of Dr. Miller and wanted to stress to the Board that since the first meeting with Dr. Miller back in late May/early June they have discussed how alcohol created issues for him and that there have been some alcohol abuse issues. Mr. Chase stated that Dr. Miller has been exemplary from the standpoint of embracing the self-care portion and getting his life together. Dr. Miller worked on a 180-hour outpatient program and has been participating in weekly meetings throughout this whole period.

Richard Dreitzer, Board Counsel, stated that the issue is whether the Board issues Dr. Miller a license with conditions or just issue him a D.O. license. Mr. Dreitzer believes that if Dr. Miller is required to identify that he is licensed with conditions or active with conditions, such will cause issues of divulging Dr. Miller's issues and the arrangements with PRN, which are nobody's business but Dr. Miller and the Board. Mr. Dreitzer stated that it may be appropriate to show Dr. Miller's license status as active and not active with conditions.

Dr. Weed made a motion to grant Dr. Miller application for Nevada licensure as an osteopathic physician with the finding that NRS 633.3617 is relevant based on public health and safety issues and on the condition that Dr. Miller complete his contract with PRN, which is due to be completed July 2028; seconded by Mr. Nigam. There being no discussion, the Board unanimously approved Dr. Miller's application for Nevada licensure as an osteopathic physician with the finding that NRS 633.3617 is relevant based on public health and safety issues and on the condition that Dr. Miller complete his contract with PRN, which is due to be completed July 2028.

VI. REVIEW/DISCUSSION/CONSIDERATION/ACTION REGARDING POSSIBLE

BOARD STAFFING NEEDS (Discussion/For Possible Action) Carla Perlotto, President

Dr. Janda stated that he wanted the Board to review the Board's staffing needs and see what else needs to be done to support the Board staff.

Executive Director Frank DiMaggio stated that we are experiencing growth in the number of licensees as well as having picked up a new class of licensees, the Anesthesiology Assistants. Executive Director Frank DiMaggio stated that it is very possible there will be a need for one additional Board employee to make the Board run as efficiently as possible. At this point in time today, without yet having added the Anesthesiology Assistant licenses to the workload, the Board can get along with the current number of staff until the next fiscal year.

Dr. Perlotto wanted to know if the Board has the ability to hire a temporary staff member if needed. Executive Director DiMaggio stated under the existing statutes and regulations, the Board would be permitted to hire staff as necessary to carry out the duties and obligations of the Board. No action was taken on this agenda item at this time.

VII. REVIEW/DISCUSSION/CONSIDERATION OF POSSIBLE CHANGES TO NRS 633.471 AND NAC 633.250 PERTAINING TO RENEWAL PERIODS OF LICENSES TO PRACTICE OSTEOPATHIC MEDICINE AND TO PRACTICE AS A PHYSICIAN ASSISTANT AND PERTAINING TO THE NUMBER OF CONTINUING MEDICAL EDUCATION HOURS REQUIRED FOR OSTEOPATHIC PHYSICIANS (Discussion/For Possible Action) Carla Perlotto, President

Dr. Janda stated that he felt as an educator at the local medical school and as a program director for the residency program, he should have the same CME requirements as his MD colleagues. Dr. Janda requested the Board to perhaps reconsider the current amount of CME hours that are required.

Dr. Perlotto stated that the MDs and PAs on the MD Board are required to do 40 hours of CME over the course of two years and the DO Board is 35 hours of CME for one year.

Dr. Weed wanted to know the reason the DO Board is on a yearly cycle for license renewals and whether the Board has thought about changing to every two years for license renewals.

Executive Director Frank DiMaggio explained that the license renewal period is set forth in our statutes, NRS 633.

Mr. Nigam stated that the Board itself is unable to change anything required by statute and therefore the Board would have to lobby the State legislature for any requested changes to our statutes and get someone to sponsor the bill. The legislature is not meeting again until February of 2025. Mr. Nigam recommends revisiting this topic in September of 2024.

Dr. Perlotto tabled this agenda item until September of 2024.

VIII. DISCUSSION/CONSIDERATION OF BOARD POLICY REGARDING ELECTION OF BOARD OFFICERS AND POSSIBLE REVISIONS TO SAID BOARD POLICY (Discussion/For Possible Action) Carla Perlotto, President

Dr. Janda stated that he did not want Board members to feel any type of pressure when it comes to voting and inquired whether an anonymous voting methodology would be permitted.

Mr. Dreitzer stated that if a Board member wants to take an official action of any kind that action must occur in public. Mr. Dreitzer opined that the Board could not do anonymous voting.

The Board reviewed a draft of proposed changes to its Election of Board Officers policy. Mr. Nigam made a motion to add the following verbiage to said policy:

(4) Absence of the President of the Board. In the event of the absence of the President, the Vice President shall assume duties and responsibilities of the President. At a board meeting, in the event of the absence of the President, and the inability of the Vice President to preside or the absence of the Vice President, some other Board member shall call the meeting to order; and the Board shall immediately elect a President Pro Tem to preside at that board meeting and to assume the duties and responsibilities of the President. The office of the President Pro Tem shall terminate upon the return or the availability of the President or Vice President.

Mr. Nigam's motion was seconded by Dr. Daulat. There being no discussion, the Board unanimously voted to revise the Board's Election of Board Officer policy by adding the verbiage as written in the preceding paragraph.

IX. DISCUSSION/CONSIDERATION OF A BOARD POLICY REGARDING USE/MISUSE OF TEMPLATES IN MEDICAL RECORDS (Discussion/For Possible Action) Carla

Perlotto, President

Dr. Daulat stated that there are multiple situations regarding several patients' complaints about being billed for a physical examination which was never done by the physician. Dr. Daulat believes that this is below the standard of care. The percentage is very high, about 70-80% of physicians are doing this.

Dr. Perlotto stated she agrees with Dr. Daulat, and it is very concerning to her that doctors are using a template but not changing the template based on what exams or services they are actually performing. Dr. Perlotto believes that such a practice is fraudulent by stating that the physician is performing a physical exam when they are not and then billing for a physical exam.

Dr. Janda stated that such practice constitutes the fraudulent creation of a medical record wherein something is written as being done but is not done. Dr. Janda stated that a two-fold analysis shows that sometimes the use of templates does allow a physician to be more thorough and does allow the population of data, but the physician or the attending physician needs to attest that the information truly was obtained from examination of the patient.

Dr. Daulat proposed that the Board send a notice out to all the licensees so they are made aware that such a practice is fraudulent and below the standard of care and may subject the licensee to discipline by the Board.

Dr. Perlotto suggested putting the notice in the Board's next newsletter and also sending out an email blast to all licensees to increase the probability that licensees will be made aware of the notice.

Dr. Janda made a motion to publish information pertaining to the use and misuse of templates in both the Board's newsletter and by email blast to all licensees so they are made aware that such a practice is fraudulent and below the standard of care and may subject the licensee to discipline by the Board; seconded by Dr. Daulat. There being no discussion, the Board unanimously voted to publish information pertaining to the use and misuse of templates in both the Board's newsletter and by email blast to all licensees so they are made aware that such a practice is fraudulent and below the standard of care and may subject the licensee to discipline by the Board.

X. DISCUSSION/CONSIDERATION TO PROVIDE AMENDMENTS FOR FSMB BYLAWS (Discussion/For Possible Action) Carla Perlotto, President

No amendments to the FSMB Bylaws were proposed by the Board.

XI. DISCUSSION/CONSIDERATION/POSSIBLE APPROVAL OF FY 2022-2023 AUDIT AS REQUIRED PER NRS 218G.400 (Discussion/For Possible Action) Carla Perlotto, President

Mr. Nigam made a motion to approve the FY 2022-2023 audit; seconded by Dr. Daulat. There being no discussion the Board unanimously voted to approve the FY 2022-2023 audit.

XII. ELECTION OF BOARD VICE PRESIDENT (Discussion/For Possible Action) Carla Perlotto, President

Both Drs. Janda and Daulat stated that they recused themselves from being considered for the office of the Board's Vice President.

Dr. Weed stated that she would be happy to step into the position if it would help the Board out.

Dr. Perlotto made a motion to nominate Dr. Weed as Vice President; seconded by Mr. Nigam. There being no further discussion, the Board unanimously voted and elected Dr. Andrea Weed as Board Vice President.

XIII. EXECUTIVE DIRECTOR'S REPORT

- a. *Financial Statements*-Executive Director DiMaggio had nothing to add regarding the Board's financial statements.
- b. *Licensing*-Executive Director DiMaggio stated there are now approximately three-thousand licensees and the licensee numbers are continuing to grow. Statistics from 2016 revealed that the Board had only 680 licensees at that time.
- c. *Comments*- Executive Director DiMaggio stated that the Board has gone live with a new website. The Board is working on getting the emails sent out to all licensees so they can renew their licenses. The licensee portal and applicant portal are now live with Thentia and the Board is still waiting for the complaint portal and licensee verification portal to go active. The Board now has audio-video equipment in the Board room.

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

Mr. Dreitzer stated that there are several disciplinary matters that he is working on right now that are in various stages of negotiations. Mr. Dreitzer is also working on the anesthesiologist assistant regulations. Fortunately, the Nevada Board of Medical Examiners has given Mr. Dreitzer a draft copy of their proposed anesthesiologist assistant regulations and he will be using elements from that.

XV. LEGISLATIVE UPDATE (Discussion/For Possible Action) by Susan Fisher, Board Government Affairs/Lobbyist

No comments were received.

XVI. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

No items for future discussion were noted.

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

Dr. Perlotto thanked the Board staff for getting the audio-video equipment installed in the Board room. Dr. Perlotto also thanked the Board members for their civility and collegiality and for how respectful everyone is to each other.

- a. *Next Board Meeting date is Tuesday, November 7, 2023, at 5:30 p.m.* Dr. Perlotto reminded Board members that the next Board meeting is Tuesday, November 7, 2023, at 5:30 p.m.

XVIII. *PUBLIC COMMENT*

Dr. Janda stated that it is a pleasure working with Dr. Perlotto and appreciated all her efforts; and that she is a great example to Board members.

XIX. *ADJOURNMENT (For Possible Action) Carla Perlotto, Vice-President*

Dr. Weed made a motion to adjourn the meeting; seconded by Dr. Janda. There being no discussion, the Board unanimously voted to adjourn the Board meeting.

Minutes approved by the Board at the November 7, 2023 Board Meeting.