



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

PUBLIC NOTICE

BOARD MEETING

November 12, 2024 @ 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, control+click:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjQzNjlmNTAtNGU4My00ODNlTgwODUtOWE5ZjJlMDAwYmZk%40thread.v2/0?context=%7b%22id%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22oid%22%3a%2205628d65-31b9-47d5-9114-70d3f53bf58d%22%7d

To join by Meeting ID through Microsoft Teams:

Meeting ID: 264 449 821 913

Passcode: exD99x

Or to join by telephone (audio only):

Audio Conference Number: +1 775-321-6111

Phone Conference ID: 884 686 545#

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.

*** AGENDA ***

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

Roll call to determine presence of a quorum. A quorum was present:

Carla Perlotto, PhD

Andrea Weed, D.O.

Swadeep Nigam, MSc, MBA

Paul Janda, D.O.

Nasim McDermott, D.O.

Dean Polce, D.O.

Billie Casse, D.O.

Board Staff present:

Frank DiMaggio, Executive Director

Carrie Klein, Licensing Specialist Assistant

Michelle Oberson, Administrative Assistant

Clayton Baily, Complaints Specialist

Richart Dreitzer, Board Counsel

Public:

Cassidy Wilson, McDonald Carano

Amanda Lipinski, CE Broker

Noah Allison, Esq.

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 Minutes from October 8, 2024 – Dr. McDermott made a motion to approve the Board meeting minutes from October 8, 2024; seconded by Dr. Janda. There being no further discussion, the Board meeting minutes from October 8, 2024, were unanimously approved by the Board.*

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS AND PHYSICIAN ASSISTANTS, AND TO GRANT RESTORATION OF LICENSES (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

Eric Brown, D.O.

Eden Kim, D.O.

John Ko, D.O.

Larissa Laskowski, D.O.

Dana Lewis, D.O.

Nicolas Maalouf, D.O.

John McCoy, D.O.

Brandon Nichols, D.O.

Ryan Powers, D.O.

Yesenia Vasquez, D.O.

Ellean Zhang, D.O.

Specialty

Radiology, Diagnostic

Emergency Medicine

Internal Medicine

Emergency Medicine

Family Medicine

Internal Medicine

Emergency Medicine

Internal Medicine

Urology

Family Medicine

Family Medicine

Physician Assistant Name

Veronica VanHorn-Triplett, PA-C

Supervising Physician

Kevin Brown, D.O.

Restoration of License

John Donaldson, III, D.O.

Specialty

Psychiatry

Dr. Perlotto stated that Veronica VanHorn-Triplett, P.A. is missing paperwork required for her licensing application and will be removed from the above list.

Dr. Janda made a motion to approve the licenses for the applicants as written above, excluding Veronica VanHorn-Triplett, P.A.; seconded by Dr. Casse. There being no further discussion, the Board unanimously approved licensure for the applicants as written above, excluding Veronica VanHorn-Triplett, P.A.

V. CONSIDERATION/POSSIBLE APPROVAL OF APPOINTMENT OF A HEARING OFFICER DUE TO HEARING OFFICER GREINER'S WITHDRAWAL ORDER ENTERED IN BOARD OF OSTEOPATHIC MEDICINE'S CASE NUMBER AD2112003 IN THE MATTER OF ROBERT ESLINGER, 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

a. Noah Allison, Esq.- Executive Director Frank DiMaggio stated that Jill Greiner withdrew from the above-referenced matter because it had been brought to her attention that she had in some way previously participated in the Robert Eslinger matter. After checking with the Board Counsel, Executive Director Frank DiMaggio contacted Noah Allison, Esq., who indicated that he would be interested in serving as a hearing officer. Board Counsel Richard Dreitzer added that he has known Mr. Allison for many years and believes that Mr. Allison would be an excellent choice. Dr. Perlotto invited Mr. Allison to give the board a summary of his background and his experience. Mr. Allison stated that he is the principal at the Allison law firm. He has been practicing law since 1997 and is currently the Counsel for the Contractor's Board as well as their hearing officer. Mr. Allison has, in the past, handled cases for the Veterinary Board. Mr. Allison's fee is \$295.00 an hour.

Dr. Polce made a motion to approve and appoint Noah Allison, Esq., as the Hearing Officer in the matter of Robert Eslinger, D.O., at the rate of \$295.00 per hour; seconded by Mr. Nigam. There being no further discussion, the Board unanimously approved and appointed Noah Allison, Esq., as the Hearing Officer in the matter of Robert Eslinger, D.O., at the rate of \$295.00 per hour.

VI. DISCUSSION/CONSIDERATION/REVIEW FOR POSSIBLE APPROVAL OF THENTIA'S COST PROPOSAL FOR INTEGRATION WITH CE BROKER

(Discussion/For Information Only) Carla Perlotto, President

Dr. Perlotto reminded the Board at the last meeting that the Board made the decision to incorporate CE Broker. The cost would be \$1,350.00 for Thentia to integrate CE Broker into the system. This is not an annual fee and will be only a one-time fee.

Dr. Janda made a motion to approve the payment of \$1,350.00 for Thentia to integrate CE Broker into Thentia's system; seconded by Dr. McDermott. Dr. Weed opposed the motion. There being no further discussion, the Board approved payment of \$1,350.00 for Thentia to integrate CE Broker into Thentia's system.

VII. DISCUSSION/CONSIDERATION/POSSIBLE ACTION REGARDING PROPOSED PATIENT CONSENT FORM REGARDING USE OF AN ANESTHESIOLOGIST ASSISTANT (Discussion/For Possible Action) Carla Perlotto, President

Dr. Perlotto stated that this agenda item was mentioned and discussed as part of the Board's consideration of Agenda item number VIII below and asked if anyone had any questions.

Dr. Polce made a motion to approve the Patient Consent Form; seconded by Dr. McDermott. There being no further discussion, the Board unanimously approved the Patient Consent Form.

VIII. DISCUSSION/CONSIDERATION/POSSIBLE ACTION REGARDING PROPOSED REGULATIONS R001-24, AS IT RELATES TO ISSUANCE OF ANESTHESIOLOGIST ASSISTANT LICENSES (Discussion/For Possible Action) Carla Perlotto, President

Dr. Perlotto stated that the LCB will be meeting to consider approval of our proposed Anesthesiologist Assistant regulations on Friday, November 15th, and we are expecting for those regulations to be approved. If those regulations are approved, we can take those who have applied for their anesthesiologist licenses and put them on the agenda for the December meeting for possible approval; and, if so approved, those applicants will get their new licenses effective January 1, 2025.

Executive Director Frank DiMaggio mentioned a minor correction as it is the Legislative Commission that is meeting on November 15th, and not the LCB.

Executive Director Frank DiMaggio stated that there is no indication that the LCB has any issues with our proposed Anesthesiologist Assistant regulations. Mr. DiMaggio mentioned LCB's concern about a patient consent form; if a regulation mentioned a specific form to be used, then the Board should have such a form available for use. Mr. DiMaggio submitted such a patient consent form for the Board's consideration and approval. Perlotto asked if the board approves the proposed patient consent form, can that form be provided to LCB and Mr. DiMaggio said it could be.

Dr. Polce asked how would this be binding on the day of procedure when someone's coming in to have something done, is the risk absorbed by the hospital or the board to get this consent? Executive Director DiMaggio explained that the regulation in question sets forth that this patient consent form must contain certain specific information. If the hospitals follow the statutes and regulations and they develop their own patient consent form, that probably will not cause a problem. Mr. Dreitzer added that the requirements for a state board are different than the requirements for the hospital.

Executive Director DiMaggio stated that this particular agenda item was added at Dr. Polce's request because he wanted to revisit this issue. Dr. Polce stated that it looks like it will have been taken care of as of January 1, 2025. Mr. Dreitzer stated that he and Executive Director DiMaggio have been making sure to promptly respond to LCB's requests.

Dr. Perlotto stated that the Board does have a plan for Thentia to incorporate these licenses with our licensing system and regardless of whether they are not fully incorporated, the Board will manually issue the Anesthesiologist Assistant licenses effective January 1. 2025.

Dr. Polce wanted to know any Anesthesiologist Assistants had started applications with the Board. Dr. Perlotto stated that we have a total of four that have applied. Executive Director DiMaggio made a correction and stated that we have three person who have applied and sent in documents and one who has not completed an application but has sent in documents.

IX. EXECUTIVE DIRECTOR'S REPORT by Frank DiMaggio

- a. *Financial Statements*- Executive Director Frank DiMaggio has included in the Board Members packets the Board financial statements which include the profit loss comparison, and the final audit from our auditors, which has already been forwarded to LCB.

- b. *Comments-* Executive Director Frank DiMaggio also stated that licensing numbers continue to increase. The total number of licenses, so far, is 3,253, up from the previous report of 3,103. Mr. DiMaggio mentioned that there are still 1,900 licenses outstanding due to be renewed by December 31, 2024. Thentia has been sending out automated emails at the end of September, October, and November to licensees who have not renewed. Executive Director DiMaggio has been working with Licensing Specialist, Nikki Montano, and his suggestion was to wait until the end of this month to see how many licensees have not yet renewed. In the meantime, Thentia will send another email to licensees who have not yet renewed their licenses. If there is no substantial reduction in the first week of December, then Executive Director DiMaggio may send out an email blast to those who have not yet renewed.

Executive Director DiMaggio also announced that the Board has been recognized as a Well-Being First Champion by the Laura Breen Foundation stating that the Board's license applications are free from overly broad and invasive mental health questions. This honor allows the Board to put the Well-Being first champion badge on our Board website.

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

Mr. Dreitzer stated that this past month has consisted of a lot of back and forth with LCB regarding the proposed Anesthesiologist Assistant regulations to make sure those were moving along. Executive Director DiMaggio and Mr. Dreitzer had several meetings with LCB officials to work out a lot of the requirements and get LCB what it needed. It is in the final stages, and, hopefully, if all goes well, those proposed regulations be approved soon. Mr. Dreitzer said there was a licensing matter that he was gearing up to take to hearing. An applicant was pursuing licensure where there were some bad facts in the person's background; then, on the eve of prep for hearing, the applicant withdrew their application. Mr. Dreitzer is gratified that it spared the Board something which might have been very unpleasant, but there was a lot of prep going into that. There are several other matters that are on the verge of settlement as well. Mr. Dreitzer is also working on the Dr. Eslinger case and now we have Mr. Allison appointed as the hearing officer. Mr. Dreitzer is quite confident that he'll pick up and get it done as quickly as possible.

XI. *LEGISLATIVE UPDATE (Discussion/For Possible Action) by Cassidy Wilson, Board Government Affairs/Lobbyist*

Ms. Wilson stated that there was an election last week and, in Nevada, we are still counting a few ballots. There were three races that should be finalized by tonight. In the Senate and the Assembly, the Democrats are shy one seat in each House of a super majority. It will be a Democrat-controlled majority, not super majority. The state Republican governor will not be up for re-election until 2026. The legislator that Ms. Wilson has been speaking to on the DO renewal fee BDR was re-elected and will be moving forward with that BDR. Last week, the Executive Director, Frank DiMaggio, and Ms. Wilson met Kris Sanchez, who is the director of the Department of Business and Industry. Business and Industry (B&I) is going to be running a bill next session that will be restructuring all the boards and commissions in the state of Nevada. Ms. Wilson has met with Mr. Sanchez three or four times in the last two months about this bill. As of now, the B&I proposal is for the Osteopathic Board to be merged with the Nevada Board of Medical Examiners. The merged board would be called the Nevada Medical Board, and they will report to B&I. As of now, B&I is proposing an eleven-member board for the Nevada Medical Board consisting of four DOs and four MDs on this board which makes up the majority of the Board. B&I is still working with the Legislative Counsel Bureau on drafting this legislation. This bill is going to be thousands of pages. Currently there are 315 boards and commissions in Nevada. We are waiting for a white paper from B&I that should be issued by Thanksgiving. Once Ms. Wilson receives that document, she will share it with Executive Director DiMaggio and if Mr. DiMaggio receives that document first he will share it with Ms. Wilson and we will review it and make comments.

Dr. Perlotto asked if there was a timeline of when B&I is thinking that this may occur.

Ms. Wilson stated that it still must go before legislature as a BDR, and it could be anywhere between February and June. This will be an agency bill. There is no concrete information if the bill is going to be heard or what will transpire. We are working with B&I up front early, getting in our comments and trying to be as transparent as possible. Dr. Sanchez has said that if this BDR passes, then it will take about two years to implement it. There is a process: the bill has to be heard by the Assembly or Senate, and it has to go to the floor and then to the other house and then go to that floor and then be signed by the Governor. Ms. Wilson said that she does not want anyone to be worried or upset. There are a lot of steps in between now and then. Ms. Wilson stated that she will continue to update everyone on this and we will work through it as much as we possibly can. There will be amendments, so we'll work through all those processes.

Dr. Perlotto asked if the bill would be implemented two years after July 2025, which would be July 2027. Ms. Wilson answered that B&I will start restructuring the boards and commissions in July 2025, and then it will take about two years to go through that entire process from start to finish.

Mr. Nigam asked whether Ms. Wilson she knew the Assemblymen or the Senators sponsoring for this bill. Ms. Wilson answered that the bill is an agency bill. It will go through a committee hearing, and it will be a committee bill. Since it is an agency bill, it does not have a bill sponsor like a normal bill. Agencies get their own bills. Mr. Nigam asked if it will go through the Health and Human Services Committee. Ms. Wilson stated that she does not know yet and she asked Dr. Sanchez about that last week and he said he is not entirely sure yet because it touches so many different committees.

Dr. Janda stated that Ms. Wilson made a comment that she did not want anyone to get worried and upset so why would a person be worried or upset; would it be resulting in the removal of the Osteopathic Board and leave only the Allopathic Board. Ms. Wilson answered that some of the feedback that she received from the different boards is that it will be falling under "Business and Industry" and so staff will be through "Business and Industry", not through the individual Boards. There will be on an Advisory Board with MD's, Respiratory Care therapists and an uninsured or general member of the public.

Dr Perlotto asked about whether there would be an Advisory Board. Ms. Wilson answered, it is an eleven-member Board. Previously, when Ms. Wilson met with Dr. Sanchez, he said there would be five super boards, and now that's changed, and she does not really know the structure. It has changed a lot and it is going to continue to change. B&I is trying to do a lot and LCB is drafting it. If you want to look at a reference, they did something similar in Iowa. It will not be completely the same as Iowa, but that is what they're trying to structure this off of. Dr Perlotto asked what the impetus for this would be and why would the Board want to pursue this. Ms. Wilson answered that there are 315 boards, and B&I is seeing a lot of issues with licensing and delays in licensing. Nevada is ranked somewhere near 49th in occupational licenses and B&I is trying to expedite this and get fees under control and consolidate everything under Business and Industry. There was a bill SB-431 that allowed all these Boards and Commissions to go under Business and Industry, but B&I is trying to get more of a structure. Ms. Wilson and Mr. DiMaggio met with B&I last week and B&I is making their rounds with each Executive Director. Another part of this restructuring is that B&I will be getting rid of legal counsel for all these boards and their lobbyists. The legal counsel will be under Business and Industry and then B&I will not have any lobbyists for policy reasons. Dr. Perlotto inquired whether the structure that B&I may end up with when they present this to the legislature is not necessarily the structure that B&I is sitting on at this moment. Ms. Wilson answered that that is correct and there will probably be amendments to the bill during session. Dr. Perlotto stated that it would probably be important to the board to find out what that structure is. Ms. Wilson answered once

this white paper is issued around Thanksgiving, we will have a better thought process on what this will look like and how we're going to handle this going forward.

Mr. Nigam stated that the Board should be prepared and wanted to know if B&I will be seeking Board members' input. Ms. Wilson answered in the negative. The white paper will be posted on B&I's website under a section for commissions and boards. The bill will be thousands of pages long, and the executive summary is supposed to be 150 pages, which is a very large executive summary. Dr. Perlotto stated that it sounds like the answer is that B&I does not want Board member input. Ms. Wilson answered not at this time. Mr. Nigam stated that he thinks that the Board should be prepared and respond during the hearings on this bill. Dr. Perlotto agreed.

XII. ITEMS FOR FUTURE DISCUSSION/ACTION/UPCOMING AGENDA

No items were brought up for discussion.

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

- a. *Next Board Meeting date: December 10, 2024-* Dr. Perlotto stated that the Board is working on putting together some disciplinary guidelines. Executive Director Frank DiMaggio and staff will putting together some initial materials that the Board may consider. In addition to that, we will put together a Face Sheet so that for every case that a Board member is assigned, the Board member will receive a Face Sheet that will have some options, maybe some check boxes that say "dismiss" or "Letter of Concern" that would be available when looking at a case. Having that Face Sheet will allow the Board to collect data in a better way. Mr. Dreitzer stated that he worked on a similar project when he was doing board work for another healthcare board, and he developed a good matrix for such guidelines. He offered to lend his involvement if the Board would allow.

Dr. Perlotto, Executive Director DiMaggio and Mr. Dreitzer will meet soon regarding this and will hopefully have something to the Board in the near future.

Dr. Perlotto reminded the Board that the next Board meeting will be on December 10, 2024.

XIV. PUBLIC COMMENT

No public comments were received.

XV. ADJOURNMENT (For Possible Action) Carla Perlotto, President

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

Minutes approved by the Board at the December 10, 2024 Board Meeting.