



NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE

****PUBLIC NOTICE****

BOARD MEETING

September 10, 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_NjA5ODExNjMtZDQ4Yi00Yzg1LWJlODUtMmMyMWU2MWMxNTk2%40thread.v2/0?context=%7b%22Tid%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: 282 476 173 802

Passcode: fxC2c5

Or to join by telephone (audio only):

Audio Conference Number: +1 775-321-6111

Phone Conference ID: 876 489 396#

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. The following Board members were 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
Clayton Bailey, Board Investigator
Richard Dreitzer, Esq., Board Counsel

Public:

Cassidy Wilson, McDonald Carano
Colin Hutzan, Thentia Vice-President, Customer Experience
Chandon Alexander, Esq.
Amber Carter, Clark County Medical Association

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 July 9, 2024 - Dr. Janda made a motion to approve the Board meeting minutes from July 9, 2024; seconded by Mr. Nigam. There being no further discussion, the Board meeting minutes from July 9, 2024, were unanimously approved by the Board.*

IV. CONSENT AGENDA TO GRANT LICENSURE FOR OSTEOPATHIC PHYSICIANS AND PHYSICIAN ASSISTANTS, AND SPECIAL LICENSES, 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

Nicholas Abid, D.O.
Abishek Achar, D.O.
Robert Canonico, D.O.
William Carragher, D.O.
Andrea Chang, D.O.
Calvin Chen, D.O.
Nelly Chow, D.O.
Yvonne Chueh, D.O.
Nicholas D'Alesio, D.O.
Steven Embley, D.O.
Chamroen Eng, D.O.
Nicholas Fiore, D.O.
Jessica Gabrielian, D.O.
Christopher Gay, D.O.
Mary-Katherine Harper, D.O.

Specialty

Psychiatry
Neurology
Emergency Medicine
Family Medicine
Internal Medicine
Physical Medicine and Rehabilitation
Thoracic Surgery
Family Medicine
Radiology, Diagnostic
Family Medicine
Family Medicine
Internal Medicine
Psychiatry
Family Medicine
Emergency Medicine

<i>Emily Huang, D.O.</i>	<i>Family Medicine</i>
<i>Andrew Kim, D.O.</i>	<i>Internal Medicine</i>
<i>Timothy Lo, D.O.</i>	<i>Internal Medicine</i>
<i>Chris Martin Manuel, D.O.</i>	<i>Internal Medicine</i>
<i>Taylor Martin, D.O.</i>	<i>Preventive Medicine</i>
<i>Clayton McCuiston, D.O.</i>	<i>Radiology, Diagnostic</i>
<i>Royce Molick, D.O.</i>	<i>Psychiatry</i>
<i>Sally Nahhas, D.O.</i>	<i>Family Medicine</i>
<i>Odessa Pulido, D.O.</i>	<i>General Surgery</i>
<i>Ahmad Rana, D.O.</i>	<i>Internal Medicine</i>
<i>Stefano Retis, D.O.</i>	<i>Psychiatry</i>
<i>Chelsea Sharp, D.O.</i>	<i>OB/GYN</i>
<i>Nicole Shropshire, D.O.</i>	<i>Pediatrics</i>
<i>Katherine Specht, D.O.</i>	<i>General Surgery</i>
<i>Tri Te, D.O.</i>	<i>Internal Medicine</i>
<i>James Thompson, D.O.</i>	<i>Radiology, Diagnostic</i>
<i>Jimver Villadoz, D.O.</i>	<i>Family Medicine</i>
<i>David Whitaker, D.O.</i>	<i>Emergency Medicine</i>

Physician Assistant Name

Robert Altrich, PA-C
Shehram Djafroodi, PA-C
Sara Fitzgerald, PA-C
Logan Johnson, PA-C
Aurora Maugeri, PA-C

Supervising Physician

Active – Not Working
Active – Not Working
Joel Abbott, D.O.
Active – Not Working
James Bindrup, D.O.

Restoration of License

Matthew Hesh, D.O.

Specialty

Radiology, Diagnostic

Dr. Perlotto stated that Nicholas Fiore, D.O., has withdrawn his application because he got a special license and did not need the full license at this time. Regarding the license applications of David Whitaker, D.O., and Matthew Hesh, D.O., further information is needed in order for their applications to move forward so their license applications will be considered at the Board's October 2024 meeting.

Dr. Polce made a motion to approve the licenses for the applicants as written above, excluding Dr. Nicholas Fiore, Dr. David Whitaker, and Dr. Matthew Hesh; seconded by Dr. Janda. There being no discussion, the Board unanimously approved licensure for the applicants as written above, excluding Dr. Nicholas Fiore, Dr. David Whitaker, and Dr. Matthew Hesh.

- V. +CONSIDERATION/REVIEW/POSSIBLE ACTION ON APPLICATION FOR REINSTATEMENT OF OSTEOPATHIC MEDICAL LICENSE FOR ROBERT FOUNTILA, 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. Perlotto stated that additional paperwork for Dr. Robert Fountila's application for license reinstatement needs to be submitted. Accordingly, consideration of Dr. Fountila's application for reinstatement will be moved to the Board's October 2024 meeting.

- VI. +CONSIDERATION/REVIEW/POSSIBLE ACTION ON APPLICATION FOR LICENSURE FOR KELLY ROAN, 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. Perlotto stated that there are some concerns with Dr. Kelly Roan's license application and proposed having a hearing officer appointed in this matter given the legal underpinnings of the case and to determine a conduct issue. Richard Dreitzer, Board Counsel, stated that there is a sufficient legal complexity such that it may be appropriate for the Board to appoint a hearing officer in this matter. Mr. Dreitzer stated that the hearing officer would issue findings of fact and conclusions of law for the Board's consideration and then at that point the Board will make a decision as to licensure. Mr. Nigam wanted to know if there was a timeline. Mr. Dreitzer stated that once the hearing officer is appointed, he and the attorney for Dr. Roan would speak with that hearing officer to schedule a hearing, so it could possibly take a couple of months. Executive Director Frank DiMaggio stated that he has already spoken to attorney Jill Greiner who has previously been appointed as a hearing officer on two other cases for the Board and she is willing to accept an appointment from the Board to hear this matter. This would require the Board to make a motion to appoint Ms. Greiner and to pay her fee which is \$200.00 per hour. Mr. Chandon Alexander, attorney for Dr. Kelly Roan, stated that Dr. Roan has no opposition to the Board appointment of a hearing officer in this case.

Dr. McDermott made a motion to appoint attorney Jill Greiner as a hearing officer in this case and to pay Ms. Greiner the rate of \$200.00 per hour; seconded by Dr. Polce. There being no further discussion, the Board unanimously approved to appoint attorney Jill Greiner as a hearing officer for this case and to pay Ms. Greiner the rate of \$200.00 per hour.

VII. +DISCUSSION/CONSIDERATION/POSSIBLE ACTION REGARDING CONTRACT RENEWAL ISSUES CONCERNING THENTIA USA, INC (Discussion/For Possible Action) Carla Perlotto, President

- a. *Colin Hutzan, Thentia Vice-President, Customer Experience-* Dr. Perlotto introduced Colin Hutzan, Vice-President of Customer Experience with Thentia. Mr. Hutzan stated that he wanted to make himself available to the Board and that he has been engaged in discussions with Executive Director Frank DiMaggio about outstanding balances owed to Thentia and work proposals that have been considered.

Executive Director DiMaggio stated that he wanted to start with the two outstanding invoices from Thentia. One invoice is for the period of March 2023 to March 2024 and the other invoice is for the period of March 2024 to March 2025. The contract with Thentia will expire in March 2025 and there have been a total of three invoices that have been issued. The first one which was approximately \$13,000.00 was paid prior to Thentia doing any of the work on the licensing project. The second invoice was issued when the Thentia system was still not operational. The Thentia system did not become operational until approximately December 7, 2023. Executive Director DiMaggio did reach out to Thentia CEO Julian Cardarelli and was told in a telephone conversation not to worry about payment of the outstanding invoices and we would revisit the payment issue once the Thentia system was fully implemented and the tickets resolved. Since the time of that telephone conversation, the Board at Thentia has changed substantially and it now has several venture capitalists on their Board and on their Advisory Board; Julian Cardarelli has left Thentia. We also have had four or five different customer service representatives during this time. Executive Director DiMaggio has talked to Mr. Hutzan over Teams on a couple different occasions and a proposal was put forth that our Board pay four months of the second Thentia invoice and all the third Thentia invoice and that Thentia would assess no late fees to the Board

even though the contract provides the ability for Thentia to charge a 1.5% late fee.

Mr. Hutzan said, in all fairness to the Board, since the Board did not get the product until recently, Thentia would waive any late fees that might be due. Mr. Hutzan stated that the 1.5% is a per month late fee and he thinks it's completely fair to waive that fee. Mr. Hutzan hopes that the Board has seen improvements in the support in the last few months and they are working through a lot of remaining issues and that the proposal for payment of the two outstanding invoices as described by Executive Director DiMaggio was correct. Dr. Perlotto stated if the Board wishes to continue with Thentia after the contract expires in March 2025, then the Board would need to enter into a new contract with Thentia. Executive Director DiMaggio stated that according to Mr. Hutzan there will be price increases if the Board renews the Thentia contract on or after March 2025. Dr. Perlotto wanted to know where we are with having a fully operational system at this point. Executive Director DiMaggio stated that there are outstanding Zendesk tickets that should have been completed in the initial implementation phase and because of that he believes Mr. Hutzan will waive some of those costs associated with implementing those requests. There are other changes however, such as implementing the anesthesiologist assistant (AA) licensure portal that are new and are outside of the scope of work of the original contract that have been discussed.

The estimated fee for Thentia to implement the AA licensure in our system is \$15,300.00. Executive Director DiMaggio stated he raised the concern with Mr. Hutzan that that amount is more than the amount we are paying Thentia per year for its services. Mr. DiMaggio added that while there are some Zendesk tickets that are additional which the Board expects to pay for, there are some tickets like integration with QuickBooks and the auto renewals that we expected to be included in the original implementation of the Thentia product. Mr. Hutzan has told Executive Director DiMaggio that Thentia will not charge the Board for the automatic renewals and the QuickBooks integration. Dr. Perlotto stated her concern that we are six months away from the end of the current three-year contract with Thentia, and we still do not have a fully functioning product. Dr. Perlotto continued by stating that we have had this conversation so many times over the last two and half years regarding getting a fully functioning system from Thentia so what will be different now. Mr. Hutzan stated that he has only recently been dedicating himself to understanding exactly what is going on with the outstanding invoices, the contract and the relationship with Thentia. Mr. Hutzan believes there was some misunderstanding around the original scope of work, particularly with the QuickBooks integration, and he is trying to make it right and come to some kind of compromise where the Board can get done what it needs for as low of a cost as possible for both parties. Mr. Hutzan stated that to his understanding the product has been functioning for us and we have been doing renewals and registrations through the system and there has been some level of success. Mr. Hutzan stated that with their new Board of Directors and advisors, Thentia is hopefully moving incrementally to a better place, and he would like to keep our Board with Thentia.

Mr. Nigam wanted to know if there was a timeline for when we will get a product which will be fully operational. Executive Director DiMaggio stated that the Board will have to decide if Thentia is actively working meet the requirements of the original contract and then decide if the Board wants to renew the contract with Thentia with the new fee structure in March 2025. Mr. Hutzan stated that the cost for a new agency that comes onboard with Thentia will not be under \$50,000.00 per year; but, for existing Thentia customers, Thentia will offer a discounted rate which will be around \$25,000.00 a year. Mr. Hutzan said that Thentia is willing to do a percentage increase,

as an example we could do a three-year contract term where the third year would be at the \$25,000.00 for the last year of the contract and the first and second year of the term would have a percentage increase over what we are paying now. Mr. Hutzan stated that the AA application estimate of approximately \$15,000.00 is representative of a \$225.00 per hour fee for development work. It turns out that it costs about \$80,000.00 to do an implementation so Mr. Hutzan told Executive Director DiMaggio that the \$15,000 fee may seem like a large expenditure compared to the \$13,000.00 per year that the Board is being billed, but the \$13,000.00 per year is a lot less than what it costs Thentia to implement its product and it is one of the reasons why their business is changing.

Dr. Perlotto wanted to know if the charge of \$0.45 per licensee will be in addition to the \$25,000.00 per year fee that he mentioned. Mr. Hutzan said a per licensee charge will not be in addition to the base renewal fee of \$25,000.00. Executive Director DiMaggio stated that when he was discussing the proposed contract renewal fees with Mr. Hutzan, it was mentioned that the price may be \$18,000.00 for the first year, \$21,000.00 for second year and \$25,000.00 for the third year. Mr. Hutzan stated that if the Board wanted to do a second contract renewal after the three-year contract renewal term it is likely that Thentia would be instituting some kind of CPI-correlated increase per year. Mr. Hutzan stated that he believed a three-year term would be the longest term they could do for a renewal contract.

Dr. Perlotto made a proposal to move forward with paying Thentia's second invoice pro-rated for four months of service and pay all the third Thentia invoice so the Board would be paid in full under the current contract; and, that since our contract renewal with Thentia would not take effect until March 2025, the Board would have thirty to ninety days to decide whether or not to renew the contract with Thentia. Dr. Perlotto asked Mr. Hutzan if he would be willing to come back for the December 2024 Board meeting to do another presentation to the Board. Mr. Hutzan stated that he would be happy to come back in December and update the Board on improvements made since this meeting.

Dr. Janda made a motion to pay the second invoice at the discounted rate of four months of service and to pay the third invoice in full without any additional charges or late fees to be assessed by Thentia; seconded by Dr. Polce. There being no further discussion, the Board approved to pay the second Thentia invoice at the discounted rate of fourth months of service and to pay the third Thentia invoice in full without any additional charges or late fees to be assessed by Thentia.

Dr. Weed made a motion to table the renewal of the contract until December 2024; seconded by Dr. Janda. There being no further discussion, the Board approved to table the issue of renewal of the Thentia contract until the Board's December 2024 meeting.

VIII. DISCUSSION/CONSIDERATION/REVIEW FOR POSSIBLE APPROVAL OF THENTIA'S COST PROPOSALS FOR INTEGRATION WITH CE BROKER, FOR RENEWAL AND CME AUDIT EMAILS, FOR INTEGRATION WITH IMLCC, AND FOR CREATION OF A NEW PORTAL FOR ANESTHESIOLOGIST ASSISTANT APPLICATIONS AND LICENSING (Discussion/For Information Only) Carla Perlotto, President

Executive Director Frank DiMaggio stated that the cost to implement Zendesk ticket for the email reminders and CME audit, which is ticket number 661-4757, was estimated at \$1,350 and Mr. Hutzan has agreed to waive those changes for that ticket. Mr. DiMaggio also stated that costs for implementation related to ticket number 661-4776, which is for the automatic

license renewals, will also be waived by Thentia. The CE Broker integration is estimated to cost \$1,350.00 and the AA licensure application implementation is estimated to cost \$15,300.00. The implementation of the QuickBooks integration should be resolved with no charge from Thentia. As for the IMLC integration, Thentia has not yet provided the Board with a cost estimate. Regarding the possible CE Broker integration, Executive Director DiMaggio explained that this was tabled from the last Board meeting in July so we could obtain a cost proposal from Thentia for the Board to consider. Mr. DiMaggio noted that there have been issues with other Board integrations with CE Broker. Dr. Perlotto suggested that we get more information from CE Broker and table this CE Broker matter until next month.

Dr. Weed wanted to know how many AA licensees have been issued. Executive Director DiMaggio stated that the Nevada Board of Medical Examiners has already approved and issued AA licenses but since our Board has not yet received final approval of the AA regulations, we have not issued any licenses to AAs. Executive Director DiMaggio believes the Board will not receive a high number of AA license applications based on his observation that the Nevada Board of Medical Examiners has issued around eleven AA license since January 1, 2024. Dr. Weed wanted to know if we need Thentia to implement the AA licensure or can such be done manually by Board staff. Dr. Weed stated that there is no school in Nevada that offers the Anesthesiologist Assistant degree and, as the proposed AA regulations have not been finalized, it seems unrealistic and not reasonable for the Board to pay that type of money to Thentia for AA licensure if potentially the Board is only going to have 100 or less licensees.

Dr. Perlotto wanted to know if we renewed the Thentia contract in March 2025, would the increased annual renewal fee of approximately \$25,000.00 include the AAs, PAs, and DOs. Mr. Hutzan stated that the \$15,300 estimated cost is for implementing AA licensure into our existing system. Executive Director DiMaggio stated that the \$15,300.00 cost is based on Thentia's charge of \$225 per hour and Thentia estimated 48 hours for configuration, 4 hours for project management, 8 hours for development and 8 hours for QA development for a total of 68 hours. Dr. Weed stated her concern that we are assuming that we are going to stay with Thentia, but if we do not remain with Thentia, we are spending \$15,300 and the Board is not even ready to issue licenses to AAs. Dr. McDermott stated that she thinks more and more AAs will be coming here. Dr. Polce mentioned that this delay in issuing AA licenses will make things worse and there will be a compounding effect as more AAs come to Nevada. He stated that the AA numbers do start off small, but it gets into the hundreds very quickly. Dr. Perlotto stated that one issue about AA licensure is whether Board staff issue such licenses manually or through Thentia.

Mr. Nigam stated that the Board will not be adequately prepared if there is a sudden influx of AAs here, and the Board does not have Thentia AA licensure up and running. Dr. Polce stated that there will be approximately 35 to 40 AA students graduating per year from each AA school. Dr. Perlotto stated that AA licensing is a separate issue from the Thentia piece and perhaps we can wait until the December Board meeting to take a vote on the Thentia piece for AAs. Mr. DiMaggio stated that if the regulations are adopted and approved hypothetically by January 1, 2025, the Board could start issuing AA licenses and we would already have some mechanism in place to issue such licenses, whether through Thentia or manually. Mr. DiMaggio stated that he is not sure if we can manually enter the AA licenses because everything currently is built through Thentia. Mr. Hutzan stated that the Board could take the AA applications manually but have some kind of system built into the workbench side and have the Board staff use that to enter all the AA information so it is stored appropriately and that could be done at a lower cost. Dr. Perlotto wanted to know if would still be able to bill through the Thentia system. Mr. Hutzan said he was not sure and would have to confirm and let us know. Dr. Perlotto wanted to know if we did the compromise and then we suddenly are getting 50 AA license application per week, could we then pay for the full AA build out. Mr.

Hutzan stated that is possible and that it would require Thentia to build out the rest of the requirements to implement the AA licensure.

Dr. Perlotto wanted to know where we are with the process of finalizing the AA regulations through LCB. Executive Director DiMaggio said if the changes to the proposed AA regulations that the Board approved tonight are deemed to be procedural or grammatical, he thought the Board may be ready for AA licensure by early 2025; but if LCB deems the changes to be substantive, then we must conduct a new public meeting and then submit those results to the LCB so AA licensure process may not begin until as late as September 2025. Mr. Dreitzer stated that it will probably be later than Mr. DiMaggio's estimates for approval of the AA regulations as there is a bit of a log jam at the LCB.

Executive Director DiMaggio asked Mr. Hutzan how long it would take Thentia to build out AA licensure in the system. Mr. Hutzan stated that once they receive payment and the contract change request is signed, they can get it done immediately. Mr. Dreitzer stated that perhaps the Board could enter into a contract change request agreement with Thentia for the AA licensure with a contingency where the Board's obligation to pay Thentia is linked to the final approval of the AA regulations; and, if no AA regulations are approved, then the Board would owe Thentia no money and if the AA regulations are approved and finalized, then the money would get paid to Thentia.

Mr. Hutzan stated that he did a little bit of research and what Thentia can do is build an AA application on the workbench side, for the AA license type and basically a conduit for us to have AA licenses. After we receive these applications and have them stored in the database, the payments will have to be taken outside of the system, because the payment processor is on the portal.

Dr. Perlotto stated that there are some good points to moving forward with the AA licensing piece of this agenda item because eventually we will have to do it and Thentia has the time right now. Also, if we delay the AA licensing piece with Thentia, that potentially will increase the cost if Thentia's prices are going up. Mr. Hutzan stated that the cost estimate for the AA licensure was provided in the support portal ticket and typically what happens is that once the estimate is approved it is added to the contract as a change request because essentially it is in addition to the original scope of work under the contract and the change request has a 30-day clause on it. Executive Director DiMaggio stated that the change order contract would have to be submitted through the Nevada contract approval process, and they only meet once per month so the 30-day period in the change request would probably be well exceeded by the time they even consider approval of the contract change request; also, we are required to use a State template for the contract. Mr. DiMaggio mentioned that the State contract contains a provision that if other documents incorporated into the contract conflict with or are contrary to the provisions in the State contract template, those conflicting or contrary provisions will be null and void. Mr. Hutzan said they will make every effort to work with us and if there is something like that in the State contract template that is reasonable, they can agree with it. Dr. Perlotto said that if the Board has the money and the resources to proceed with the AA licensure piece with Thentia, then we should do it.

Dr. Perlotto made a motion to approve the following: Thentia Zendesk ticket number 661-4757 for the email reminders, which is at no cost to the Board; Thentia Zendesk ticket number 661-4776 for the automatic license renewals, which is at no cost to the Board; the API integration with IMLCC with a maximum cost not to exceed \$5000.00; and payment of the AA application build out at the \$15,300.00 cost; seconded by Dr. Janda. All Board members except Dr. Weed voted to approve the motion; Dr. Weed voted to oppose the motion. There being no further discussion, the Board approved the following: Thentia Zendesk ticket number 661-4757 for

the email reminders, which is at no cost to the Board; Thentia Zendesk ticket number 661-4776 for the automatic license renewals, which is at no cost to the Board; the API integration with IMLCC with a maximum cost not to exceed \$5000.00; and payment of the AA application build out at the \$15,300.00 cost.

IX. REVIEW/DISCUSSION/CONSIDERATION OF POSSIBLE ACTION REGARDING CHANGES TO NRS 633.471, NRS 633.438, NRS 633.491, NAC 633.250, AND NAC 633.285 PERTAINING TO LICENSING AND LICENSING 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 AND PHYSICIAN ASSISTANTS (Discussion/For Possible Action) Carla Perlotto, President

Dr. Perlotto stated that the Board has talked about moving to a two-year renewal cycle for all licenses and changing the CME requirements for DOs from 35 hours per year to 40 hours for a two-year period and that would put us in alignment with the Nevada Board of Medical Examiners' CME cycle. Executive Director Frank DiMaggio stated that the proposed revisions to the statutes and regulations are in the Board materials. Executive Director DiMaggio wanted to point out that regarding CME requirements for the physicians, NRS 633.471 is to be amended to have the DOs renew their licenses every even-numbered year and for the PAs and AAs to renew their licenses every odd-numbered year, and that the DOs would go to 40 hours of CME for every two years. Executive Director DiMaggio stated that the proposed changes to NRS 633.471 are in the Board materials and that paragraph 1d of the proposed changes to NRS 633.471 provides that if the DO license is obtained during the first six months of the biennial licensing period, the licensee would have to complete 40 hours of CME; if said license is obtained in the second six months of the biennial licensing period, the licensee would have to complete 30 hours of CME; if said license is obtained in the third six months of the biennial licensing period, the licensee would have to complete 20 hours of CME; and if said license is obtained in the fourth six months of the biennial licensing period, the licensee would have to complete 10 hours of CME. Executive Director DiMaggio stated that if the word "annual" was used in one of these statutes, the proposed change will be to make it "biennial". He said the same proposed change would apply for some reports; if the reports were due on an annual basis, it will be changed to say biennially. Executive Director DiMaggio stated that this agenda item number IX is basically seeking consensus that the Board desires to change the statutory structure to allow for a two-year licensing cycle for its licensees and to change the DO requirement for CME to 40 hours for the two-year licensing period, to approve those changes to the statutes and as well as make them consistent. This is a two-step process; the first step would be to have a BDR drafted that makes those statutory changes and then, if the BDR is passed into law, amend our regulations to make them consistent.

Mr. Nigam wanted to know what the difference is between Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC). Mr. Dreitzer answered that the NRS are statutes or laws that would require legislative action if any changes to the statutes or laws are to be made; whereas NAC are the regulations or codes adopted by each regulatory agency. Executive Director DiMaggio added that if there is ever a conflict between the provisions of NAC and NRS, NRS will trump NAC because NRS is a law.

Dr. Janda commented and stated that these proposed changes are welcomed, and they will be good for our Board in the future.

Dr. Weed made a motion to change the NRS statutory structure to allow for a two-year licensing cycle for licensees and to change the CME requirements for DOs to 40 hours for that two-year licensing period; seconded by Dr. Janda. There being no further discussion, the Board unanimously approved seeking a change to the NRS statutory structure to allow for a two-year licensing cycle for licensees and seeking a change to the NRS statutory structure to require 40 hours of CME for DOs for that two-year licensing period.

Dr. Janda wanted to know when these statutory changes would go into effect. Cassidy Wilson of McDonald Carano responded that the legislative session starts in February 2025 and she will need to find a legislative sponsor for such a BDR; that LCB will draft the bill and then it will start either in the Nevada Senate or the Nevada Assembly depending on which House the sponsor is in; then the bill will be voted on the floor of that House and then the process will start over in the other House; and, if the bill is passed by both Houses, the bill will then go to the Governor's desk. Executive Director DiMaggio wanted to know if Ms. Wilson already has a legislative sponsor for these proposed statutory changes. Ms. Wilson replied that she has spoken to Assemblywoman Tracy Brown-May, and she will be speaking with a few others regarding these statutory changes.

X. REVIEW/DISCUSSION/CONSIDERATION OF POSSIBLE ACTION REGARDING CHANGES TO NRS 633.501 AND NAC 633.335 PERTAINING TO LICENSING FEES FOR LICENSES TO PRACTICE OSTEOPATHIC MEDICINE, TO PRACTICE AS A PHYSICIAN ASSISTANT AND TO PRACTICE AS AN ANESTHESIOLOGIST ASSISTANT (Discussion/For Possible Action) Carla Perlotto, President

Dr. Perlotto stated that since we are seeking to change our DO and PA license renewals to every two years, changes to those licensing fees will be needed to reflect that those fees will double. Executive Director DiMaggio stated that the changed license fee amounts will be doubled except for a few licenses such as a temporary license, which license would only be good for one year. The NRS sets the maximum amount the Board can charge for any initial license or renewal license; NAC 633.335 sets the actual amount the Board will charge for those licenses. Mr. DiMaggio stated that the Board would need to get the applicable NRS amended first and then we would proceed later to get the applicable NAC changed. Executive Director stated that the Board can make a motion to authorize both the statutory change and then the regulatory change. Such a motion would be helpful assuming such a BDR gets signed into law, then Executive Director DiMaggio would not have to bring this matter back to the Board because the Board would have already authorized changing the applicable NAC that correspond to the NRS changes.

Mr. Nigam wanted to know the current amount we charge for DO initial license fees. Dr. Perlotto said currently the NRS provides for a maximum fee of \$800.00, and, if our changes are approved, that fee will be changed to a maximum fee of \$1,600.00 but that is not the actual amount what we are charging for DO initial license fees. Executive Director DiMaggio said we are currently charging \$500.00 for the DO initial license fee with a \$50.00 fingerprint charge and that initial license fee would double to \$1,000.00 with a \$50.00 fingerprint charge. The DO license renewal fee would change to \$700.00 for the two-year period instead of \$350.00 per year. Mr. Nigam also wanted to know if we are looking into raising the fees based on financials and maybe we should investigate raising that renewal fee to \$800.00 instead of \$700.00. Executive Director DiMaggio stated that it would take another Board action if the Board wants to raise those fees. Mr. Nigam stated that would be something to do during the next budget meeting.

Dr. Janda made a motion to approve the proposed changes that were contained in the Board materials to NRS 633.501 and then, if that should get approved legislatively, to make the proposed regulatory changes that were contained in the Board materials to NAC 633.335; seconded by Dr. McDermott. There being no further discussion, the Board approved the proposed changes that were contained in the Board materials to NRS 633.501 and then, if that should get approved legislatively, to make the proposed regulatory changes that were contained in the Board materials to NAC 633.335.

XI. DISCUSSION/CONSIDERATION/POSSIBLE ACTION REGARDING PROPOSED REGULATIONS R001-24 AND R062-24, INCLUDING CONSIDERATION OF COMMENTS FROM PUBLIC HEARINGS HELD ON JULY 26, 2024, POSSIBLE AMENDMENTS OR CHANGES TO SAID PROPOSED REGULATIONS, AND

POSSIBLE ADOPTION AND APPROVAL OF SAID PROPOSED REGULATIONS

(Discussion/For Possible Action) Carla Perlotto, President

Dr. Perlotto stated that R062-24 as drafted by LCB appears good to go. She mentioned that there may need to be some additional amendments to R001-24 as a result of the public hearing held on that proposed regulation. Executive Director Frank DiMaggio stated that those additional proposed changes to R001-24 are in the Board materials. Mr. DiMaggio stated that after reviewing the LCB draft of R001-24, a change needs to be made to subsection two of section nine regarding the CME hours which was not brought up in the public hearing that was held on July 26, 2024. Mr. DiMaggio stated that there is another document in the Board materials entitled Public Meeting Notice for Regulation Hearing,,Regulatory Hearing Minutes-R001-24, which reflects that Executive Director DiMaggio suggested ten revisions to the proposed language of R001-24 which ten revisions are more specifically set forth in paragraph numbered 5 of those Minutes.

Dr. Polce made a motion to approve and adopt the language set forth in R062-24 as drafted by LCB; seconded by Mr. Nigam. There being no further discussion, the Board approved and adopted the language set forth in R062-24 as drafted by LCB.

Mr. Nigam made a motion to make amendments to section 9, subsection 2 of R001-24 as more specifically set forth in the document entitled Changes to LCB Draft of Proposed Regulation R001-24 in the Board materials as well as making the ten revisions to the proposed language of R001-24 which ten revisions are more specifically set forth in paragraph numbered 5 of another document in the Board materials entitled Public Meeting Notice for Regulation Hearing, Regulatory Hearing Minutes-R001-24, and to adopt those changes and revisions if approved by LCB; seconded by Dr. Janda. There being no further discussion, the Board approved making amendments to section 9, subsection 2 of R001-24 as more specifically set forth in the document entitled Changes to LCB Draft of Proposed Regulation R001-24 in the Board materials as well as making the ten revisions to the proposed language of R001-24 which ten revisions are more specifically set forth in paragraph numbered 5 of another document in the Board materials entitled Public Meeting Notice for Regulation Hearing, Regulatory Hearing Minutes-R001-24, and to adopt those changes and revisions if approved by LCB.

XII. EXECUTIVE DIRECTOR'S REPORT by Frank DiMaggio

- a. *Financial Statements-* Executive Director DiMaggio stated that licensing numbers continue to increase and that there are financial reports in the Board materials for the months of June and July 2024. Mr. DiMaggio stated that he received an email on July 16, 2024 from IMLCC that there were 479-member Board payment transactions with the IMLCC and \$177,875 in payments to the Board for the fiscal year ending June 30, 2024. IMLCC licensing numbers continue to increase each year. Mr. DiMaggio added that the PA licensure compact is still out there. They needed seven states to enact the PA Compact and, to date, thirteen states have enacted it. There is a Nevada state commission, namely the Patient Protection Commission, that is proposing a BDR to enact compacts with four or five occupations, one of them being PAs.
- b. *Comments-* Executive Director DiMaggio stated on August 13, 2024, there was a meeting with the southern Executive Directors conducted by the Nevada Department of Business and Industry (B&I). The purpose of the meeting was to provide an update on BDR 301 which will revise the administrative structure of certain boards and commissions. The BDR will group boards into three functional areas, advisory, licensing and regulatory and will move administration of boards under B&I. The B&I Office is adding approximately sixty new positions. Reorganization may include consolidation of specific professions and boards, elimination of some boards and/or retention of independent status. Certain boards, such as medical, pharmacy, nursing, dental and some other healthcare boards, are proposed to be consolidated under five

super boards with seven to eleven board members serving standardized three-to-four-year terms with a chair to be appointed by the Governor. Mr. DiMaggio stated that, under the BDR, professional advisory boards representing the regulated professions may be created under each of the super boards and those advisory boards would then make recommendations pertaining to each specific profession; that board NRS laws will be open to being revised, eliminated, or updated to add this new structure; independent administrative authority would be removed; funds would move to the General Revenue of the State.; and it is anticipated that it will take 3 legislative sessions to fully implement this process and it will cost over \$100 million. The BDR is expected to be over 100 pages, so it will be quite extensive. If both House and Senate approve such a BDR, the bill would then go to the Governor. Executive Director DiMaggio thinks Governor Lombardo may be amenable to doing this. Mr. DiMaggio added that B&I will be adding materials regarding this BDR on the B & I landing page so you would need to go to that web page and look for boards and commissions and the BDR will be posted once there once it is drafted. B&I will accept any boards' comments and has stated that it will consider those comments. Mr. DiMaggio queried whether B&I may assess fees to boards for B&I providing administrative oversight and supervision. B&I cited Iowa as having reorganized their board and commissions last year. Iowa had over 200 boards and commission. Now Iowa has 116 through consolidation and elimination.

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

Mr. Dreitzer stated that is one large case for which he is currently working on a potential settlement agreement, and there is a second case concerning a retroactive matter that he needs to discuss with the Executive Director DiMaggio. There is also a series of interesting cases with issues involving stipulations that he is working on. Mr. Dreitzer stated that he will be attending the Federation of State Medical Boards Attorney Workshop in Reno with Executive Director DiMaggio, and he is looking forward to it.

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

Ms. Wilson stated that right now there are currently 521 bill draft requests (BDRs). Her team is going through each BDR and seeing what it entails and then reaching out to the sponsors. If there is any language in a BDR that her team believes may impact this board, she will let us know. They will be compiling a list to send out to the Board and that will be an ongoing list, which will continue to grow through the legislative session. If anyone has questions about the BDR from B&I, Ms. Wilson stated she will be happy to discuss.

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

Mr. Dreitzer stated that at the time of the Board's October 2024 meeting he will be giving a talk about civility and improving the quality of discourse in the state for lawyers so he will do his best to log on remotely to the Board's October 2024 meeting.

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

- a. *Next Board Meeting date: October 8, 2024-* Dr. Perlotto reminded everyone that the next Board meeting will be October 8, 2024.

XVII. *PUBLIC COMMENT*

Mr. Dreitzer congratulated the Board on the discussion they had with Mr. Hutzan of Thentia during the meeting and how it was a very thoughtful discussion.

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

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

Minutes approved by the Board at the October 8, 2024 Board Meeting.