

Brian Sandoval, Governor



Seung B. Park, O.M.D., *President*
Fely Quitevis., *Member*
Olivia Rhee, O.M.D. *Secretary-Treasurer*
Vince Link., O.M.D., *Member*
Abraham Jim Nagy, M.D., *Member*
Merle Lok, Executive Director

STATE OF NEVADA
BOARD OF ORIENTAL MEDICINE

*****PUBLIC NOTICE*****
REGULAR BOARD MEETING
January 21, 2016 @ 6:00 PM

AT THE FOLLOWING LOCATION:

Grant Sawyer Building, Office of the Attorney General, 555 East Washington Ave., Room #4500 - Las Vegas, NV 89101.

*****MINUTES*****

1. CALL TO ORDER (Discussion/For Possible Action) Seung B Park, OMD, President

Roll call to determine presence of a quorum, at 6:00 pm

Board Members Present:

Dr. Seung B Park, OMD (Via Phone)
Dr. Vince Link, OMD
Dr. Olivia Rhee, OMD
Fely Quitevis (Via Phone)

Board Staff:

Sophia Long, Board Counsel, DAG
Merle Lok, Executive Director

Public:

In person:

L. Kristopher Rath
Larry Bertsch
Sae E. Lee
Chia Hua Linda Chow
Lisa Mathews
Yeaji Suh
Michael Ferris

Via telephone:

Daniel Davies
Nancy Fleming
Farolyn McSweeney

2. PUBLIC COMMENT

Dr. Mathews requested that her public comments should be part of the minutes.

3. Adoption of Agenda

Motion: Dr. Park motioned to adopt the agenda



Second: Ms. Quitevis
Action: Motion carried unanimously

4. *Approval of November 5, 2015 Minutes*

Motion: Dr. Park motioned to adopt the minutes
Second: Dr. Link
Action: Motion carried unanimously

5. *Interview the following applicants for the independent counsel position:*

Kristopher Rath, Esq.

Bret Meich, Esq.

Maggie McLetchie, Esq.

The Board interviewed Mr. Rath and Mr. Meich. Ms. McLetchie was unable to appear and was not interviewed.

6. *Discussion and decision regarding the possible selection of independent counsel from the following applicants: (For Possible Action).*

Kristopher Rath, Esq.

Bret Meich, Esq.

Maggie McLetchie, Esq.

Motion: Dr. Park motioned to retain Mr. Meich as the Board's Independent Counsel.
Second: Dr. Link
Action: Motion carried unanimously

7. *Deputy Attorney General's legal report.*

The AG updated the Board that there was a complaint against a licensee's billing practice. After an investigation, the complaint is closed. The AG also updated the Board re: the Dry Needling complaint. This complaint remains open. The AG stated that the AG's Dry Needling opinion will be ready in roughly 30-60 days.

8. *Discussion with the accountant regarding the timeframe, scope, and details regarding certain withdrawals made between 2012 and 2015. Determine whether any of these certain withdrawals were fraudulent and determine course of action.(For Possible Action)*

The accountant presented his findings that there were \$17426.95 in overpayments to the former Executive Director that were not accounted for in 2014. The accountant recommended that the Board look into the payments/withdrawals in 2013 as well.

Motion: Dr. Link motioned that the accountant investigate the withdrawals starting in 2013.
Second: Dr. Rhee
Action: Motion carried unanimously

9. *Approve or disapprove of the accountant's bill. (For Possible Action)*

Motion: Dr. Park motioned to approve the bill.
Second: Ms. Quitevis
Action: Motion carried unanimously

10. *Discussion regarding Michelle Baker's transcript and credits and her eligibility to take the Nevada state licensing exam. (For Possible Action).*

The AG stated that she will assist in preparing a letter re: Michelle Baker's ineligibility to take the Nevada state licensing exam.

Motion: Dr. Park motioned to disapprove of Michelle Baker's eligibility to take the Nevada state licensing exam.
Second: Ms. Quitevis
Action: Motion carried unanimously.

11. Approve or disapprove of Dr. Olivia Rhee's CEUs titled Chinese Medicine and Cardiovascular Health; Review of Male Disorders, Classical Medicine Treatment of Male Disorders; Postpartum Recovery; Signs and Symptoms of Aging: Acupuncture for Menopause for 20 credits provided by Pacific Symposium presented on 10/27-11/3/2015 in San Diego, CA. (For Possible Action).

Motion: Dr. Park motioned to approve

Second: Ms. Quitevis

Action: Dr. Rhee abstained. The remainder of the Board voted yes. Motion carried.

12. Approve or disapprove of Dr. Nicholas La Puma Jr.'s CEUs titled Chinese Medicine and Cardiovascular Health for 7 hours and Glute Medius Acupuncture Acute Pain Male Disorders for 3 hours provided by Pacific Symposium presented on 10/27-11/3/2015 in San Diego, CA (For Possible Action).

Motion: Dr. Park motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s) by 1/31/2016.

Second: Dr. Link

Recuse: Dr. Rhee

Action: Motion carried unanimously.

13. Approve or disapprove of Dr. Michael Labrum's CEU titled Dermatology in Chinese Medicine for 14 hours provided by Pacific Symposium presented on 10/27-11/3/2015 in San Diego, CA (For Possible Action).

Motion: Dr. Link motioned to approve

Second: Dr. Park

Action: Motion carried unanimously

14. Approve or disapprove of Dr. Megan Clowers' CEUs titled Build Your Successful Acupuncture Practice Modules 1-6 for 14 hours, provided by Blue Poppy Enterprises, Inc online (For Possible Action).

Motion: Dr. Link motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s) by 1/31/2016.

Second: Dr. Park

Action: Motion carried unanimously.

15. Approve or disapprove of Dr. Maureen McKenney's CEU titled Basics of Zhu's Scalp Acupuncture for 16 hours, on 8/29-8/30/2015 provided by Zhu's Scalp Acupuncture Research and Education Foundation (For Possible Action)

Motion: Dr. Link motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s) by 1/31/2016.

Second: Dr. Park

Action: Motion carried unanimously.

16. Approve or disapprove Dr. Angela Stueber's CEU titled Personal Injury Practice for Acupuncturists for 4 hours, Treating Acne and Blackheads with Western and Chinese Medicine for 2 hours, an Overview of Assisted Reproductive Technology for 1 hour, Endometriosis for 1 hour, 5 Proven Systems to Guarantee a 6-figure Practice for 8 hours provided by Lotus Institute of Integrative Medicine online (For Possible Action).

Motion: Dr. Park motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s), with CEU application form and fee by 1/31/2016.

Second: Dr. Rhee

Action: Motion carried unanimously.

- 17. Approve or disapprove of Dr. Margaret Tracey's CEU titled Conscious Healing II for 14 hours on 10/24-10/25/15 provided by Energy Healing for Everybody in Kings Beach, CA (For Possible Action).**
Motion: Dr. Park motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s) by 1/31/2016.
Second: Ms. Quitevis
Action: Motion carried unanimously.
- 18. Approve or disapprove of Dr. Stephanie Pavlik's CEU titled Mastering Basal Body Temperature Charting to Enhance Fertility with Acupuncture and Chinese Herbs for 8 hours and Pregnancy Support, Labor Preparation, and Post-Partum Care with Acupuncture and Chinese Herbs for 8 hours provided by Lotus Institute of Integrative Medicine on 12/12-12/13/2015 in California (For Possible Action).**
Motion: Dr. Link motioned to approve
Second: Ms. Quitevis
Action: Motion carried unanimously.
- 19. Approve or disapprove of Dr. Brook Hollinger's proposed CEU titled Herb-Drug Interactions for the Collection Formula part 1 for 8 hours provided by Lotus Institute of Integrative Medicine presented online (For Possible Action).**
Motion: Dr. Park motioned to approve conditionally upon the licensee providing additional information regarding the educational material and instructor(s) by 1/31/2016.
Second: Ms. Quitevis
Action: Motion carried unanimously.
- 20. Approve or disapprove of reconsideration of Dr. David Edge's CEU titled Inner Power Qigong: The 9 Phases of Qi Cultivation and Mastery for 26 credits provided by Esalen Institute presented on June 21-26, 2015 in Big Sur, CA. (For Possible Action).**
Motion: Dr. Link motioned to stand by the Board's original decision to approve 13 credits
Second: Dr. Park
Action: Motion carried unanimously.
- 21. Discussion regarding possible payment plans for the Attorney General's outstanding bill. (For Possible Action).**
Motion: Dr. Link motioned to pay the bill off in 12 months at the rate of \$1718.78.
Second: Dr. Park
Action: Motion carried unanimously.
- 22. Discussion regarding bill from Secretary/Treasurer. (For Possible Action.)**
Motion: Dr. Park motioned that the ED and Dr. Rhee get together to make sure the bill has no overlap, to resubmit the bill at the next meeting, and the Secretary/Treasurer does not do anymore ED duties.
Second: Ms. Quitevis
Action: Dr. Rhee abstained from voting. The remainder of the Board voted yes. Motion carried.
- 23. Discussion regarding the forms and fees for public requests. (For Possible Action)**
Motion: Dr. Park motioned to approve the forms and to set the fees at \$10 per hour and copying fees at \$0.10 per copy.
Second: Dr. Link
Action: Motion carried unanimously
- 24. Discussion and election of Board President, Vice President and Secretary/Treasurer. (For Possible Action).**
Dr. Link nominated Dr. Park for Board President.

Second by Ms. Quitevis.

Action: Dr. Park abstained from voting. The remainder of the Board voted yes.

Dr. Park nominated Dr. Link for Board Vice President.

Second by Ms. Quitevis.

Action: Dr. Link abstained from voting. The remainder of the Board voted yes.

Dr. Park nominated Dr. Rhee for Board Secretary/Treasurer.

Second by Ms. Quitevis.

Action: Dr. Rhee abstained from voting. The remainder of the Board voted yes.

25. *Public Comment*

Nancy Fleming states that she has participated with OMDS for over 40 years. From a personal point of view, she states that it is imperative that the Board, the AG, the litigation staff and the attorneys involved work towards the highest standards as it relates to the foundation regarding her health, for setting the best possible medical care and setting the stage for health and the well-being of many.

Dr. Lisa Mathews states that she wants to submit an article from American Academy of Medical Acupuncture regarding dry needling. She states that the article supports that only licensed acupuncturists and MDs with 300+ hours should practice acupuncture. She states that this article states that dry needling is acupuncture and is not within the scope of physical therapy. She states that how the Board can afford an independent counsel when the AG has not been paid for a year. She states that the Board's funds are held in public trust and the AG is capable of representing the Board. Also, she states that the majority of OMDs do not agree with the regulation changes, capping online CEUs to 50%, the DAOM as an entry level accreditation or an oversight accreditation committee for the school. She states that the LCB has not approved the CEU changes and it is outside the scope of the Board's ability to restrict the online CEUs.

Dr. Daniel Davies states it was noted by Sunset Committee that the public comments are incomplete and he wants to see the comments in the minutes. He states that the Nevada Board has the authority to approve Wongu's program and review its curriculum but it does not have the authority to license or accredit Wongu. He states that Wongu has been applying for Title 4 funding with the Federal government which ruled that the Board is unqualified and without authority to supervise Title 4 funding. He states that Wongu went to the Commission for Post-Secondary Education for a license to operate in Nevada which it has received. He states that the Board does not have the expertise to accredit a college.

Dr. Sae Lee states the Board's major function is to set the highest standard. He states that there is some disagreement with the regulation and the Board should send the proposed regulation to the licensees to see whether they agree or disagree.

Dr. Michael Ferris asked when the AG opinion on dry needling is expected and the AG replied that it would be roughly 30-60 days.

26. *Adjournment*

Motion: Dr. Park motioned to adjourn.

Second: Dr. Rhee

Action: Motion carried unanimously - Adjourned

Meeting Minutes have been approved.