

NEVADA STATE BOARD OF PODIATRY

BOARD MEETING MINUTES OF MARCH 02, 2015

1. **Call to order, roll call of members, and establish quorum.** The meeting was called to order at 5:30 p.m. by Dr. Douglas Stacey, President. Board Members present: Dr. Douglas Stacey, President; Dr. Clark Pillsbury, Vice President; Dr. Christine Clark, Secretary/Treasurer; Donna Baushke, Public Member. Non-Members present: Richard Dreitzer, Legal Counsel; Stacey Whittaker, Executive Director.
2. **Public comment.** Rocky Finseth and Jenny Reese with Carrara, Nevada are present. Dr. Stephen Levine is present. No public comments at this time.
3. **Review and approval of June 9, 2014 and December 08, 2014 Board meeting minutes.** Stacey Whittaker states that she has not yet received the June 9, 2014 meeting minutes from Allison Tresca as they were on the flash drive that was compromised. Stacey has requested the audio recording from Allison Tresca of the June 9, 2014 meeting minutes and will follow up on the matter.
Motion to approve the December 08, 2014 meeting minutes as written and to table the approval of the June 09, 2014 meeting minutes until the next board meeting:
Vice President Pillsbury
Second to motion: Secretary/Treasurer Clark
Motion passes unanimously.
4. **Licensee #2005, Stephen Levine, D.P.M. would like the Board to consider refunding his license application fee of \$600.00.** Dr. Steven Levine explains that he started his licensure process with the Nevada Podiatry Board back in 2013 and had a job offer in Las Vegas. Dr. Levine states that he made numerous calls to the Board during this time and both his phone calls and emails went unanswered. He spent a large amount of money visiting Nevada and lost a job opportunity based on the lengthy application process. Stacey Whittaker explains to the Board what she has been able to determine from going through past Board correspondence. She states that Dr. Levine started the licensure process back in 2013 when Melissa Heyden was the Executive Director. Because the process was never followed through, the interim Executive Director, Allison Tresca was able to assist Dr. Levine in completing his licensure. Stacey indicates that the last email correspondence she could find was in June of 2014 when Allison was assisting Dr. Levine with the fingerprinting process. When Stacey Whittaker took over for the Board in August of 2014, Dr. Levine had already been issued a license and was on the licensee list effective August 13, 2014. Dr. Levine states that he did not receive any information from the Board and had no idea his license had been issued.
Board Member Baushke asks Dr. Levine if he was ever able to practice in Nevada. Dr. Levine states that he lost his job opportunity in Nevada and now owns his own practice in another State. President Stacey asks Dr. Levine if he has ever practiced Podiatry in Nevada at all, his answer is no. Secretary/Treasurer Clark asks Dr. Levine if he is requesting a refund of the \$600 licensure fee. Dr. Levine states that yes he is, it was a complete waste of his time and money, the Board was unresponsive and he lost his job opportunity in Nevada.
Stacey Whittaker expresses her concern with refunding a licensure fee on a license that has been issued; it is not within the statutory guidelines. Richard Dreitzer agrees that this

is a slippery slope that could set precedence for future problems. Dr. Levine argues that his licensure was not completed in a timely manner and that the whole process was ridiculous. He understands that the Board went through extenuating circumstances at the time but bottom line is, he should have had a license sooner. Vice President Pillsbury apologizes for the mishap and feels that there should be something that the Board can do for Dr. Levine; perhaps pull the funds from another area. Richard Dreitzer reiterates that the problem is, Dr. Levine was issued a license. If the Board refunds his licensure fee, is Dr. Levine surrendering his license? Stacey Whittaker is concerned with that option as it would go on his record as a surrendered license. Richard Dreitzer agrees and that perhaps a memorandum of understanding needs to be drafted between the two parties. Richard respectively asks Dr. Levine if this can be tabled until the next Board meeting so that he can look into the matter further. Dr. Levine has no problem with that and appreciates the Board looking into the matter further.

Motion to table Item #4 until the next board meeting:

Board Member Baushke

Second to motion: Secretary/Treasurer Clark

Motion passes unanimously.

***In consideration of the attendance by the Board's Lobbyists, the Board moves to Item #6 on the agenda.**

6. ***Review and discuss the current 2015 Legislative Session activity to include Bills and Fiscal Notes that may affect the State Board of Podiatry.*** Rocky Finseth, President of Carrara Nevada introduces himself and Vice President, Jenny Reese to the Board and asks if they have been receiving the weekly legislative updates. Jenny Reese discusses various bills with the Board to include SB68 and AB89. These two bills in particular impact the Podiatry Board as they include amendments to NRS 635. The bills are adding language to include a license by endorsement and happened to include language requiring Podiatrist applicants to have certification from the American Board of Medical Specialties. Because this is not a current licensure requirement under NRS635, they were able to get this language stricken and will continue to monitor the bills for the Board. President Stacey asks Rocky and Jenny if there are any other bills that need addressing at this time. Jenny explains to the Board that they are monitoring approximately 7 other bills that are more geared towards Board procedures and does not see any necessary amendments at this time. Rocky explains to the Board that they are currently 30 days into the Legislative Session (of 120 days) and that by the middle of the month, 600-800 more bills will be introduced. The Lobbyists will continue to monitor the bills and send any through to the Executive Director that pertain to the Podiatry Board. The Board thanks both Rocky and Jenny for their time and representation. There are no further questions or comments.
5. ***Review and discuss the Board's revised policy on Complaints and Investigations, the Job Description for the Investigator position and the parameters for hiring an Investigator for the Board.*** Stacey Whittaker asks the Board if they have had a chance to review the revised policy on Complaints and Investigations and the Job Description for hiring an Investigator. Board Member Baushke asks why it was not put into a "flow chart" format as previously discussed. Stacey Whittaker explains that there was far too much information to be condensed into a flow chart. The Board does not have any concerns regarding the revised policies, Richard Dreitzer feels that they are well written and in line with the statutory language.

Motion to approve the revised policy on Complaints and Investigations and the Job Description for the Investigator position:

Vice President Pillsbury

Second to motion: Board Member Baushke

Motion passes unanimously.

Stacey Whittaker addresses the parameters for hiring an outside Investigator for the Board and that various items such as rate of pay, hours and training need to be discussed. President Stacey feels that before these criteria can be set, he would like Stacey Whittaker to talk with the Osteopathic Board and the Medical Examiners Board to find out what their current policies are. This portion of the discussion will be tabled until the next meeting.

7. ***Review and discuss NRS 635.115 regarding the requirements for Certifications in Cardiopulmonary Resuscitation.*** Stacey Whittaker, Executive Director asks the Board if it is necessary to contact a Licensee whose CPR certification card has expired since the time it was submitted with their license renewal. President Stacey feels that this is not necessary if it was current at the time of renewal. These should only be checked on an annual basis. Secretary/Treasurer Clark doesn't see a problem with sending them a letter indicating that the certification card has expired. President Stacey feels that this would be ludicrous and an administrative burden, as long as they meet the license renewal requirements this should not be an issue. The Board does not object, there are no further questions or comments.
8. ***Review and discuss NRS 635.073 and the information relating to safe and appropriate injection practices.*** Stacey Whittaker, Executive Director asks for clarification regarding NRS 635.073. The statutes clearly state that upon issuing or renewing a license to practice Podiatry, a licensee must attest to knowledge and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. Stacey informs the Board that this inquiry is not on the current license application or renewal forms. Board Member Baushke asks if there is some sort of certification for this. President Stacey says that there is not a certification, it is simply an attestation. Richard Dreitzer recommends adding a line to the application and renewal forms in which the applicants would need to sign attesting to this knowledge. Stacey Whittaker will revise the forms to include this information and present to the Board. There are no further questions or comments.
9. ***Review and discuss current financial status of the Board, and all matters relating thereto.*** Stacey Whittaker asks if the Board Members have reviewed the financial statements that were sent out and if there are any questions. Vice President Pillsbury feels that the details of the financial reports are adequate; Board Member Baushke agrees and likes the detail of the reports. Vice President Pillsbury asks if anyone knows the details as to why so many credit cards were issued to Board Members in the past. Richard Dreitzer advises the Board to not discuss this as it was not specified in the agenda item. Board Member Baushke asks if the bank reconciliation report can be sent to the Board Members on a monthly basis. There are no further questions or comments.
10. ***Review and discuss NRS 635.020 and the Board Policy on salaries for Board Members while engaged in Board business.*** Stacey Whittaker reviews NRS 635.020 and the current Board Policy on Salaries for Board Members. The statutes allow for the members of the Board to receive a salary of not more than \$150 per day while engaged in the

business of the Board. The current Board Policy allows for \$150 for attending a physical meeting and \$18.75 for each hour or portion of an hour for participating in a conference call meeting. This rate was determined by dividing an eight hour day by the \$150 maximum. Stacey Whittaker has talked with a few licensing boards and most of them pay the flat \$150 for attending a board meeting whether it is in person or telephonic. Secretary/Treasurer Clark feels that the hourly rate of \$18.75 was set up when the Board did not have a lot of funds and there were times that the money was being eaten up by travel and seminars. President Stacey reminds the Board that there are two different issues being discussed here, one being Board Member compensation for Board Meetings and the other is compensation for Board Members while engaged in Board business. President Stacey asks for a motion regarding Board Member compensation for attending Board Meetings (in person or telephonic).

Motion to change the Board Member compensation to a flat \$150 per Board Meeting attended:

Secretary/Treasurer Clark

Second to motion: Vice President Pillsbury

Motion passes unanimously.

Richard Dreitzer advises the Board that this change will take place from this point forward and will not include retroactive pay.

The Board moves forward to discuss Board Member compensation for time spent on Board business such as investigations. Because the Board does not currently have an Independent Investigator working for the Board, the Board Members are spending a great deal of their time on complaints and investigations. Stacey Whittaker states that when she looked into the rates a couple of years ago, the minimum rate for Investigators was about \$40 per hour. The Board discusses their current policy that allows Board Members to receive \$18.75 per hour for any work performed for the Board. President Stacey asks that this portion of the discussion be tabled until which time Stacey Whittaker can gather further information from other licensing Boards. There are no further questions or comments.

11. Review and discuss the Board Policy on purchasing and expenses to include current Board purchasing needs. Stacey Whittaker reviews the Board Policy on Board Expenses and Equipment that was sent out. She feels at this point the Board is operating fine on what they have; she has ordered letterhead and envelopes with the approval of Secretary/Treasurer Clark. Stacey asks for Board approval to order three to four file cabinets as the Board currently has one and all of the files are in boxes. Stacey has looked into the file cabinets and at this point Costco has the most competitive prices. President Stacey authorizes the Executive Director to purchase file cabinets for the Board office. Board Member Baushke asks if the Board is keeping a list of assets such as office equipment. Vice President Pillsbury states that there is not much in the Board office besides a computer and printer. Stacey Whittaker will look into developing a list of assets for the Board. There are no further questions or comments.

12. Review and discuss activities of the Board office and all matters relating thereto. Stacey feels that most of the Board activity has been addressed throughout the meeting and that there is nothing further to report. She asks if there are any questions or concerns, there are none.

13. Public comment. No members of the public present at this time.

14. Future agenda items.

- a) Review and approve June 9, 2014 and March 02, 2015 Board meeting minutes.
- b) Review and discuss the status of Dr. Levine's request for reimbursement of the license application fee.
- c) Review of 2015 Legislative Session.
- d) Review and discuss financial status of the Board and all matters relating thereto.
- e) Review and discuss the guidelines for hiring an Investigator for the Board.
- f) Review and discuss salaries for Board Members while engaged in Investigations or business of the Board.

15. Discussion, possible decision on date of next Board meeting. The next board meeting is scheduled for May 04, 2015 @ 5:30 p.m.

16. Attorney-client meeting. Richard Dreitzer, Legal Counsel does not see a need to close the meeting at this point. He would like to point out for the record that restitution payments on the Executive Director embezzlement case have begun coming into the Board. Richard also states that he is working with Stacey Whittaker on numerous complaints and that a couple of them may be moving forward. President Stacey asks if it is possible to come to a resolution on the Board Member salaries for their time spent on board business. His concern is that the Board Members are spending a lot of their personal time on the investigations until which time an Investigator is hired. President Stacey asks Richard if the Board can vote on the matter via email. Richard does not advise of this and recommends revisiting Item #10 since it is on the agenda.

The Board moves back to Item #10 on the agenda. Secretary/Treasurer Clark asks why there is a need to revisit it if they are not exceeding the policy of a maximum of \$150 per day. Vice President Pillsbury agrees, he spends a lot of his time on the Board complaints and investigations. Board Member Baushke also agrees with the concept as long as the Board is financially sound.

Secretary/Treasurer Clark motions to approve a salary for Board Members while engaged in Board business of \$40 per hour, not to exceed \$150 per day. Board Member Baushke feels that \$50 per hour not to exceed \$150 per day would make more sense.

Motion to approve a salary for Board Members while engaged in Board business of \$50 per hour, not to exceed \$150 per day:

Secretary/Treasurer Clark

Second to motion: Vice President Pillsbury

Motion passes unanimously.

17. Adjournment.

Motion to adjourn the meeting of the Nevada State Board of Podiatry at 7:15 p.m.:

Vice President Pillsbury

Second to motion: Public Member Baushke

Motion passes unanimously.