

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, March 23, 2007 in Room 4500, Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101.

The following Board members were present for the roll call at 9:05 AM:

Stephanie Youngblood, DC, President
Margaret Colucci, DC, Vice President
Ian Yamane, DC, Secretary
Richard McCann, J.D., Consumer Member
Curtis Potts, DC, Member

Board member Dr. Don Miner was not present. Dr. Youngblood determined that a quorum was present and called the meeting to order. Also present were Deputy Attorney General David Newton, CPBN attorney Elizabeth Foley and CPBN Executive Director Cindy Wade.

Dr. Ian Yamane led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

Dr. Colucci moved for approval of the agenda. Dr. Youngblood seconded and the motion passed unanimously.

Agenda Item 8 Administrative hearing/possible settlement agreement in the matter of James T. Overland, Jr., DC, License No. B526.

This matter was addressed out of order for the convenience of James T. Overland, Jr., DC, and his attorney, Sam Benham, who were present. Mr. Benham requested a continuance for time to prepare his case. Ms. Foley stated that she was ready to proceed today and asked that this matter proceed as soon as possible. All parties agreed on May 11-12, 2007 for the hearing date. Dr. Yamane moved for approval of May 11-12, 2007 for the administrative hearing/possible settlement agreement in the matter of James t. Overland, Jr., DC, License No. B526. Rick McCann seconded and the motion passed with all in favor except Dr Colucci, who did not vote because she is the investigating Board member in this matter.

Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)

There was no public comment.

Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: February 24, 2007

Dr. Colucci moved to approve the minutes of the February 24, 2007 meeting. Dr. Potts seconded and the motion passed unanimously.

Agenda Item 4 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:

- A. Bank balance as of March 15, 2007**
- B. Income/Expense Report: July 1, 2006 through March 15, 2007**
- C. Accounts Receivable as of March 15, 2007**
- E. Accounts Payable as of March 15, 2007**
- F. Extraordinary Items/Items of Concern**

There was discussion about placing the Board's funds in an account that will produce more interest income. Cindy will look into this and report back on the available options. Dr. Potts moved for approval of the Board financial reports. Dr. Yamane seconded the motion and it passed unanimously.

Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:

- A Status of Complaints Received**
- B. Status of Current Probations**
- C. Legal/Investigatory:**
 - 1. Costs assessed since last report**
 - 2. Costs assessed year-to-date**
 - 3. Costs collected since last report**
 - 4. Costs collected year-to-date**

Dr. Potts moved to approve the Executive Director reports. Dr. Yamane seconded and the motion passed unanimously.

CONSENT CALENDAR

Dr. Youngblood requested that Agenda Item 6 be pulled for discussion. Dr. Colucci moved for approval of Agenda Item 7 under the Consent Calendar:

Agenda Item 7 Approval of Bill J. Bailey, DC, to be Compliance Monitor for probation of Craig Roelofs, DC.

Dr. Yamane seconded and the motion passed unanimously.

Agenda Item 6 Approval of request from Mark A. Cymerint, DC, to be approved as sponsor of his CE seminars.

Dr. Youngblood recommended that it might be a good idea for a Board member to audit one of Dr. Cymerint's seminars. Dr. Yamane moved to approve Dr. Cymerint as a sponsor of his CE seminars. Dr. Youngblood seconded the motion and it passed unanimously.

ADMINISTRATIVE AGENDA

Agenda Item 9 Discussion/possible action regarding request for approval of application for DC licensure of Casey D. Robinson, DC.

Pursuant to the Board's instructions to Dr. Robinson at the March 23, 2007 meeting, an amended "Certificate of good Standing" has been received from the California Board which now states that Dr. Robinson is in good standing. Following discussion, it was determined that a letter should be written to the California Board requesting their interpretation of "good standing". In addition, it should inquire how Dr. Robinson is to be monitored if he is granted a license to practice in Nevada. Dr. Yamane moved for approval of Dr. Robinson's license subject to receipt of confirmation from the California Board that his license is currently in good standing, as well as the manner in which his probation will be monitored if he is granted a Nevada license. Dr. Potts seconded and the motion passed with all in favor except Dr. Colucci, who was opposed.

Agenda Item 10 Status report/discussion/possible action regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines it has no jurisdiction over the subject or providing direction to pursue the matter further.

A. Complaint 06-24 (Miner)

This complaint was tabled until the next meeting because the investigating Board member, Dr. Miner, was not present.

B. Complaint 06-27 (Colucci)

Dr. Colucci explained that a patient complained because she was not informed in advance that she would be charged extra for traction therapy. The DC has refunded \$30.00 and the patient has stated that this is an agreeable resolution of the matter. Dr. Yamane moved to dismiss Complaint 06-27, Dr. Youngblood seconded, and the motion passed unanimously.

Agenda Item 11 Discussion/possible action regarding scope of practice regulation.

This matter was postponed until a time certain of 1:30 PM which was previously established for the convenience of Mark Witt, DO.

Agenda Item 12 Discussion/possible action regarding regulation for handling of declaratory orders and advisory opinions.

Mr. Newton has determined that the CPBN presently has no regulation that addresses the handling of declaratory orders and advisory opinions as required under NRS 233B. He presented a draft of his proposed language for adoption of a new regulation. Dr. Potts moved to approve the drafted language for adoption of a new regulation as proposed by Mr. Newton. Mr. McCann seconded the motion and it passed unanimously.

Agenda Item 13 Discussion/possible action regarding request for approval of referral bureau program from Chiro-Income Solutions.

Dr. Yamane moved to approve establishment of a referral bureau as proposed by Chiro-Income Solutions. The motion was seconded by Dr. Youngblood and passed unanimously.

NON-ACTION ITEMS:

Agenda Item 14 Committee Reports.

Under the Legislative Committee report, the current status of the CPBN bill, as well as various other bills of interest, were discussed. Under the Test Committee report, it was determined that we should look into expanding the current CA test material to provide an alternate test because there are so many re-takes.

Following a break for lunch, the meeting reconvened at 1:20 PM.

Agenda Item 11 Discussion/possible action regarding scope of practice regulation.

While waiting for Dr. Mark Witt to arrive at 1:30 PM, the Board members read his position statement, as well as scope of practice statements of other states, that were provided as back-up for the agenda. At 1:45 PM the Board concluded that Dr. Witt was not going to appear. The rule-making process was discussed and Cindy Wade was requested to prepare a list of all forms of treatment that have been approved by the CPBN for review at the next meeting in preparation for a rule-making workshop to be held on May 11&12, 2007.

Agenda Item 15 Correspondence Report.

There was no correspondence to report.

Agenda Item 16 Board Member Comments.

The next meeting/hearings will be in Las Vegas on April 13-14 and May 11-12, 2007 for which Cindy will find a suitable location. Meetings/hearings were also scheduled for June 1-2 and July 13-14, 2007, the locations to be determined at a later date.

Agenda Item 17 Public Comment.

There was no public comment.

Agenda Item 18 Adjournment.

Dr. Yamane moved that the meeting be adjourned. Dr. Potts seconded and the motion passed unanimously.

Approved: April 14, 2007

Ian K. Yamane, DC, Secretary