

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Saturday, June 14, 2008 in Conference Room I204 at Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502. The following Board members were present for the roll call:

Ian K. Yamane, DC, President
Margaret Colucci, DC, Vice President
Stephanie Youngblood, DC, Secretary
Curtis Potts, DC, Member
Richard McCann, Consumer Member
Paul Jackson, Consumer Member

Dr. Yamane determined that a quorum of the Board was present and called the meeting to order at 10:02 AM. Member Dr. Deed Harrison was not present. Also present were Chief Deputy Attorney General Gina Session and CPBN Executive Director Cindy Wade.

Rick McCann led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

Dr. Colucci moved that the agenda be approved. Mr. Jackson seconded and the motion passed unanimously.

Agenda Item 2 PUBLIC INTEREST COMMENTS (No Action)

There were no public interest comments.

Deputy Attorney General Daniel Ebihara was present by speakerphone to serve as the Board's counsel for Agenda Items 6, 7 and 8.

Agenda Item 6 Administrative hearing/granting of continuance/possible approval of settlement agreement in the matter of Curtis Potts, DC, License No. B668, Complaint No. 08-09N.

Dr. Yamane turned the Chair over to Vice President Dr. Colucci and recused himself from this matter because he is the Investigating Board Member. Ms. Session reviewed the terms and conditions of the proposed Agreed Settlement of Disciplinary Action and Order which has been agreed to and signed by Dr. Potts. Dr. Youngblood disclosed that she had prior knowledge of the complaint when she was the Board's President. Dr. Potts had no objection to Dr. Youngblood voting. Dr. Colucci made a motion to accept the settlement agreement as proposed. Paul Jackson seconded and the motion passed with all in favor except Drs. Potts and Yamane, who recused.

Dr. Colucci turned the Chair back to Dr. Yamane. Dr. Potts addressed the Board and tendered his resignation from the Board. Dr. Yamane accepted Dr. Potts's resignation and expressed his appreciation for Dr. Potts's dedication and service to the Board. Dr. Potts left the meeting.

Agenda Item 7 Administrative hearing/granting of continuance/possible approval of settlement agreement in the matter of Rodney Shoemaker, DC, License No. B824, Complaint No. 07-33N.

Dr. Yamane turned the Chair over to Vice President Dr. Colucci and recused himself from this matter because he is the Investigating Board Member. It was noted that Dr. Shoemaker was not present because he had been advised that his presence would not be necessary. Gina Session reviewed the terms and conditions of the proposed settlement agreement. Following discussion, this matter was tabled until Dr. Shoemaker could be reached by phone.

Agenda Item 8 Administrative hearing/granting of continuance/approval of proposed settlement agreement in the matter of Corazon Murillo, DC, License No. B647, Complaint No. 08-14S.

Dr. Murillo and her attorney were not present. Ms. Session reviewed the facts, terms and conditions of the proposed settlement agreement. Dr. Colucci moved that the settlement agreement not be accepted and that it be addressed at the next meeting with Dr. Murillo present. Mr. Jackson seconded. The motion did not pass with Dr. Colucci voting in favor, Dr. Yamane, Mr. McCann and Mr. Jackson opposed and Dr. Youngblood recused because she is the Investigating Board Member. Rick McCann moved to approve the Agreed Settlement of Disciplinary Action and Order provided Ms. Session instructs Dr. Murillo's counsel with respect to the provision for automatic suspension of Dr. Murillo's license if she fails to comply with all of the terms and conditions. Paul Jackson seconded. It was agreed that the word "may" in Paragraph 16 means that Dr. Murillo's license will be automatically suspended until the Board holds a hearing. The motion passed with all in favor except Dr. Youngblood who recused. Mr. McCann recommended that a Confession of Judgment should be included in future Board Orders of this nature.

Agenda Item 11 Discussion/possible action with respect to revision to CPBN procedure for Complaint, Investigation, Agreed Settlement/Disciplinary Action Process.

Gina Crown was present and expressed her concerns about the requirement that interviews must be recorded, printed out, signed and dated by the person interviewed while still in the presence of the investigator. New wording was proposed to address Ms. Crown's concerns. Dr. Youngblood moved that an amendment containing the proposed modification to Section II, A1(b) of the procedure appear on the next meeting agenda. Dr. Colucci seconded and the motion passed unanimously.

Dr. Yamane turned the Chair over to Dr. Colucci.

Agenda Item 7 Administrative hearing/granting of continuance/possible approval of settlement agreement in the matter of Rodney Shoemaker, DC, License No. B824, Complaint No. 07-33N.

Dr. Shoemaker could not be contacted by phone. Mr. Jackson moved that the proposed settlement agreement not be accepted. Mr. McCann seconded the motion which passed with all in favor except Dr. Yamane who recused. This matter will be on the agenda for the July 11, 2008 meeting in Las Vegas. It was agreed that the respondent should always be required to be present when approval of a settlement agreement is addressed. However, in this instance, Dr. Shoemaker may participate by telephone.

Dr. Yamane resumed the Chair.

Agenda Item 9 Interviews/possible approval of hiring of lobbyist

Proposals from lobbyists Paula Berkley of Paula Berkley and Associates and Chris Ferrari of Ferrari Smith Public Affairs were reviewed. Paula Berkley was present and an interview was conducted. This matter will be addressed for a final decision at the July 11-12, 2008 meeting.

Agenda Item 3 APPROVAL OF PREVIOUS MINUTES: May 30, 2008

Rick McCann moved for approval of the May 30, 2008 meeting minutes. Dr. Youngblood seconded and the motion passed unanimously.

Agenda Item 4 DISCUSSION/APPROVAL OF PROPOSED 2008/10 BUDGET

The proposed budget 2008/10 was accepted as a working document. A final budget will be presented for approval at the July 11-12, 2008 meeting.

Agenda Item 5 DISCUSSION/APPROVAL OF Executive Director reports:

A Status of Complaints Received

B. Status of Current Probations

There was no comment about the Executive Director reports.

Agenda Item 10 Discussion/possible action regarding non-compliance with referral bureau regulations by Chiro-Income Solutions.

Due to the impending regulation changes that will eliminate the Board's oversight of referral bureaus, it was agreed to take no action against Chiro-Income Solutions for their non-compliance.

Agenda Item 12 Discussion/possible action to implement establishment of an Advisory Panel for complaint review/disposition.

The benefits of establishing an Advisory Panel were discussed. Dr. Colucci will gather information from other agencies that have advisory panels. She moved that this matter be addressed again at the July 11-12, 2008 meeting. Paul Jackson seconded the motion and it passed unanimously.

NON-ACTION ITEMS:

Agenda Item 13 Report on Legislative Sub-committee meeting.

Dr. Yamane was unable to attend the meeting, however, Susan Fisher attended and her report was provided. Dr. Yamane will attempt to contact Dr. Mark Witt and meet with him to discuss his issues.

Agenda Item 14 Reports:

- A. Attorney**
- B. Investigator**
- C. Committees**

A report from Gina Crown was distributed and reviewed.

Agenda Item 15 Correspondence Report.

There was no comment with respect to the Staff's report.

Agenda Item 16 Board Member Comments

There will be a Board meeting via teleconference at 12:00 Noon on Tuesday, September 9, 2008.

Agenda Item 17 Public Comment.

There was no public comment.

Agenda Item 18 Adjournment.

Rick McCann moved to adjourn the meeting. Paul Jackson seconded and the motion passed unanimously.

Approved: July 11, 2008

Stephanie Youngblood, DC, Secretary