

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Friday, July 11, 2008 in Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington, Las Vegas, Nevada 89101. The following Board members were present for the roll call:

Ian K. Yamane, DC, President
Stephanie Youngblood, DC, Secretary
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 2:03 PM. Vice President Margaret Colucci, DC, was not present. Also present were Deputy Attorney General Daniel Ebihara and CPBN Executive Director Cindy Wade.

Paul Jackson led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

Mr. McCann moved that the agenda be approved. Dr. Youngblood seconded the motion and it passed unanimously.

Agenda Item 2 PUBLIC INTEREST COMMENTS

There were no public interest comments.

It was noted that Dr. Colucci arrived at 2:12 PM.

Agenda Item 3 PUBLIC HEARING FOR THE ADOPTION OF REGULATIONS OF THE CHIROPRACTIC PHYSICIAN' BOARD OF NEVADA

Dr. Yamane read aloud the text of each of the proposed amendments to Chapter 634 of the Nevada Administrative Code. Following is the Board's voting on each section:

Sec. 2 Dr. Youngblood moved to adopt the proposed addition as written. Mr. Jackson seconded and the motion passed unanimously.

Sec. 3 Written comments from Dr. David Rovetti were read aloud for the record. Mr. Jackson moved to adopt the proposed addition as written. Dr. Youngblood seconded and the motion passed unanimously.

Sec. 4 Dr. Youngblood moved to adopt the proposed addition of Paragraph 1 as written. Mr. Jackson seconded and the motion passed unanimously. Dr. Youngblood moved to adopt the proposed addition of Paragraph 2 as written. Mr. Jackson seconded and the motion passed unanimously.

Sec. 5 Written comments from Mark Witt, D.O., were read aloud for the record. Dr. Youngblood moved to adopt the proposed addition as written. Mr. Jackson seconded and the motion passed unanimously.

Sec. 6 Mr. McCann moved to adopt the change to this section as proposed. Dr. Yamane seconded and the motion passed unanimously.

Sec. 7 Mr. Jackson moved to adopt the change to this section as proposed. Dr. Youngblood seconded and the motion passed unanimously.

Sec. 8 Dr. Youngblood moved to adopt the change to this section as proposed. Mr. McCann seconded and the motion passed unanimously.

Sec. 9 Mr. Jackson moved to adopt the change to this section as proposed. Mr. McCann seconded and the motion passed unanimously.

Sec. 10 Mr. McCann moved to adopt the change to this section as proposed. Dr. Youngblood seconded and the motion passed unanimously.

Sec. 11 Mr. McCann moved to adopt the change to this section as proposed. Mr. Jackson seconded and the motion passed unanimously.

Sec. 12 Dr. Youngblood moved to adopt the change to this section as proposed. Mr. Jackson seconded and the motion passed unanimously.

Sec. 13 Mr. Jackson moved to adopt the change to this section as proposed. Mr. McCann seconded and the motion passed unanimously.

Sec. 14 Dr. Youngblood moved to adopt the change to this section as proposed. Dr. Yamane seconded and the motion passed unanimously.

Sec. 15 Mr. Jackson moved to adopt the change to this section as proposed. Mr. McCann seconded and the motion passed unanimously.

Sec. 16 Mr. Jackson moved to adopt the change to this section as proposed. Dr. Youngblood seconded and the motion passed unanimously.

Sec. 17 Dr. Youngblood moved to adopt the change to this section as proposed. Dr. Yamane seconded and the motion passed unanimously.

Sec. 18 and Sec. 19 Mr. McCann moved to adopt the changes to these sections as proposed. Dr. Yamane seconded and the motion passed unanimously.

Sec. 20, Sec. 21 and Sec. 22 Dr. Youngblood moved to adopt the changes to these sections as proposed. Mr. McCann seconded and the motion passed unanimously.

Sec. 23 Mr. McCann moved to adopt the repeal of the provisions in this section as proposed. Mr. Jackson seconded and the motion passed unanimously.

The next agenda items were addressed out of order for the accommodation of those present.

Agenda Item 10B Discussion/possible action regarding the status of compliance with the terms and conditions of the April 13, 2007 Agreed Settlement of Disciplinary Action and Order in the Matter of Kenneth Fust, DC, License No. B631, Complaint No. 08-07.

Dr. Fust and Compliance Monitor Dr. Jeffrey Andrews, Esq., were present. Dr. Fust presented his brochure which has been reprinted and is now in compliance with the chiropractic advertising regulations. Rick McCann moved to dismiss Complaint No. 08-07. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Colucci who recused as the investigating Board member.

Dr. Yamane turned the Chair over to Dr. Colucci because he was the investigating Board member for the following matter.

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 was present by speakerphone. DAG Dan Ebihara presented the terms and conditions of the proposed Agreed Settlement with Dr. Shoemaker. Following discussion with Dr. Shoemaker Dr. Youngblood moved to approve the Agreed Settlement as proposed and Rick McCann seconded. The motion passed with all in favor except Dr. Yamane, who recused.

Dr. Yamane resumed the Chair.

Agenda Item 8 Administrative hearing/granting of continuance/approval of settlement agreement in the matter of Robert Christopher Bunker, DC, License No. B376, Complaint No. 08-16S.

Prosecuting Attorney Elizabeth Foley was present and informed the Board that Dr. Bunker has requested a continuance because he needs additional time. Rick McCann moved to grant a continuance in this matter. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Colucci who recused because she is the investigating Board member.

Agenda Item 9 Administrative hearing/granting of continuance/possible approval of settlement agreement in the matter of Charles Musich, DC, License No. B1056, Complaint Nos. 07-28 and 08-15.

Dr. Musich's attorney, Patricia Daehnke, was present. Ms. Foley reviewed the terms and conditions of the proposed Agreed Settlement with Dr. Musich. Rick McCann moved to accept the Agreed Settlement as proposed. Paul Jackson seconded and the motion passed with all in favor except Dr. Colucci who recused because she is the investigating Board member.

Agenda Item 10A Discussion/possible action regarding appeal of staff denial of Application for DC licensure of Richard I. Monoson.

Dr. Monoson was present. Cindy Wade reviewed the particulars of this matter. Dr. Monoson's application has been denied based on the current status of his license pursuant to NRS 634.080(3)(f). A letter was received from the California Board entitled "Letter of Good Standing" that does not include a statement that Dr. Monoson's license is in good standing but rather, it states that Dr. Monoson's license is on probation for five years. Following discussion, Dr. Youngblood moved to continue this matter until a letter is sent to the California Board requesting clarification of their position with respect to their definition of "good standing" and their formal response is received. Dr. Colucci seconded the motion and it passed unanimously.

Agenda Item 11 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 08-20S

Dr. Youngblood explained that the complainant has officially withdrawn her complaint. Dr. Colucci moved to dismiss Complaint 08-20S. Rick McCann seconded and the motion passed with all in favor.

Agenda Item 11 (cont'd)

B. Complaint 08-22S

Cindy Wade explained that the complainant had officially withdrawn her complaint prior to the assignment of an investigating Board member. Dr. Youngblood moved to dismiss Complaint 08-20S. Dr. Colucci seconded and the motion passed with all in favor.

Agenda Item 13 Discussion/possible action regarding implementation of establishment of advisory panel for complaint review/disposition.

Dr. Colucci has requested an FCLB Power Poll but the results are not yet available. Dr. Youngblood moved to table this matter until the next meeting. Mr. McCann seconded the motion and it passed unanimously.

Agenda Item 14 Discussion/possible action for approval of modification of wording in CPBN Complaint Handling Procedure.

Following discussion, Dr. Youngblood moved to revise the procedure to omit in its entirety Paragraph (b) under II(A)(1) on Page 3. Dr. Yamane seconded the motion and it passed with all in favor.

Agenda Item 12 Discussion/possible action regarding interviews/possible approval of hiring of lobbyist.

Legislative Chair Paul Jackson introduced Vinson Guthreau of J3 Strategies and an interview was conducted. Mr. Jackson presented an assessment of the Board's lobbyist requirements and recommended J3 Strategies as most qualified. The proposals of J3 Strategies, Sierra Strategies, Lisa Foster, Paula Berkley and Ferrari Smith were briefly reviewed and Paula Berkley was re-interviewed by telephone. Dr. Youngblood moved that Paula Berkley be hired as the CPBN's lobbyist based on her years of experience as a legislative lobbyist and her previous work as a lobbyist for the CPBN. Rick McCann seconded and the motion passed with Drs. Colucci, Yamane and Youngblood and Mr. McCann in favor and Mr. Jackson opposed.

Agenda Item 4 APPROVAL OF PREVIOUS MINUTES: June 14, 2008 Board Meeting

Rick McCann moved to approve the June 14, 2008 meeting minutes. Paul Jackson seconded and the motion passed unanimously.

Agenda Item 5 DISCUSSION/APPROVAL OF BOARD FINANCIAL REPORTS:

- A. Bank balance as of June 30, 2008**
- B. Income/Expense Report: July 1, 2007 through June 30, 2008**
- C. Accounts Receivable as of June 30, 2008**
- D. Accounts Payable as of June 30, 2008**
- E. Extraordinary Items/Items of Concern**
- F. Approval of proposed 2008/10 Budget**

Following discussion regarding the Board's current and projected cash position, Paul Jackson moved to approve the Board financial reports and the 2008/10 Budget as proposed. Rick McCann seconded and the motion passed with all in favor.

Agenda Item 6 DISCUSSION/APPROVAL OF Executive Director reports:

- A Status of Complaints Received**
- B. Status of Current Probations**

Agenda Item 6 (cont'd)

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**

Cindy Wade reported a few updates to the Status of Current Probations report.

NON-ACTION ITEMS:

Agenda Item 15 Reports:

A. Attorney

There was no report from the Board's attorney.

B. Investigator

Investigator Gina Crown's report was distributed for review.

C. Committees

Test Committee Chair Dr. Colucci asked for volunteers to assist with the August 22, 2008 CA exams. Drs. Yamane and Youngblood volunteered. They will recruit a few additional persons from their staffs who will be paid \$10.00 per hour.

Agenda Item 16 Correspondence Report.

Cindy will respond to a letter from David Buanno that he should seek legal counsel regarding his concerns.

Agenda Item 17 Board Member Comments.

The next meeting in Las Vegas will be on October 10-11, 2008.

Dr. Colucci will attend the FCLB Regional Meeting on October 2-5, 2008 at Lake Tahoe. Other Board members who decide to attend should notify Cindy.

Dr. Yamane expressed his gratitude to the Board members for their good work. He also acknowledged Paul Jackson's legislative efforts.

Agenda Item 18 Public Comment.

There was no public comment.

ACTION ITEM:

Agenda Item 19 Adjournment.

Dr. Youngblood moved to adjourn the meeting. Dr. Colucci seconded and the motion passed unanimously.

Approved: October 10, 2008

Stephanie Youngblood, DC, Secretary