

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Tuesday, September 16, 2008 at 12:00 Noon by telephone conference call. The following Board members were present for the roll call:

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

Dr. Yamane determined that a quorum of the Board was present and called the meeting to order. Consumer Member Richard McCann was not present. Also present were Deputy Attorney General Daniel Ebihara, CPBN Executive Director Cindy Wade, Elizabeth Foley, Mary Sanada, Dr. John Chase and Paula Berkley.

Agenda Item 1 APPROVAL OF AGENDA

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

Agenda Item 2 PUBLIC INTEREST COMMENTS

There were no comments from the public.

Agenda Item 3 Discussion only regarding 2006/08 audit results.

Mary Sanada, CPA with Crossley, Sanada & Skibinski, LLC, commented that the biennial audit for fiscal years 2007 and 2008 will be completed in a few weeks. She is satisfied with the changes that were implemented since the previous audit. As a result of her audit, she is requesting a change in the current accounting procedure for disciplinary fines and costs. She will review the correct procedure with the Board's bookkeeper and Cindy Wade will follow up. This information will be detailed in the written audit report.

Dr. Yamane recused himself from the next two matters and turned the Chair over to Vice President Dr. Colucci.

Agenda Item 4 Discussion/possible action regarding request from Allen Stout, DC, for continuance of hearing scheduled for October 10-11, 2008 until next Las Vegas meeting.

Attorney Elizabeth Foley informed the Board that Dr. Stout's attorney, Benson Lee, has sent a written request for a continuance until November to afford them time to retain an expert witness. This is Dr. Stout's first request for a continuance. Paul Jackson moved to grant a continuance until the November meeting. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Yamane who recused because he is the Investigating Board Member in this matter.

Agenda Item 5 Discussion/possible action regarding John Chase, DC, failure to comply with terms and conditions of July 13, 2007 Agreed Settlement of Disciplinary Action and Order.

Dr. Chase stated that he assumes full responsibility for his failure to take the CPBN Law Test within the time prescribed in the settlement agreement and asked the Board to allow him another opportunity to pass the test. Mr. Jackson made a motion that Dr. Chase be allowed to re-take the test on November 12. Dr. Youngblood seconded and the motion passed with all in favor except Dr. Yamane who recused because he was the IBM in this matter.

Dr. Yamane resumed the Chair.

Agenda Item 6 Discussion/possible approval of proposed modifications of CPBN Legislative bill.

Dr. Youngblood and Cindy Wade recommended that the "Scope of Practice" section be removed from the Board's BDR. Lobbyist Paula Berkley explained that the chiropractic scope of practice should remain very broad in statute and that it would be better to incorporate the proposed revisions in the regulations. Dr. Colucci moved to delete the Scope of Practice section from the Board's BDR. Dr. Youngblood seconded and the motion passed unanimously. Ms. Berkley outlined the information that she needs in order to prepare for dealing with the issues that are anticipated to arise during the legislative session. She will report on the substantive issues at the October meeting.

Dr. Yamane recused himself from the next matter and turned the Chair over to Vice President Dr. Colucci.

Agenda Item 7 Discussion/possible approval of request from A. Deloy Blanchard, Jr., for waiver to sit for November 12, 2008 examination.

Cindy Wade explained that Dr. Blanchard's official graduation date is September 19, 2008, a week after the September 12 deadline date. She cited NRS 634.090(1)(b) which requires that an applicant must furnish satisfactory evidence to the Board not less than 60 days before the date of the examination that he is a graduate from a college of chiropractic. Dr. Youngblood moved to deny Mr. Blanchard's request and Dr. Colucci seconded. The motion passed with all in favor except Dr. Yamane who recused because he is Mr. Blanchard's employer.

Dr. Yamane resumed the Chair.

Agenda Item 8 Discussion/possible approval of request from Stephen Shaw, DC, to include involvement with the Arthritis Foundation as part of his community service requirement of his Agreed Settlement.

It was noted that Richard McCann has recommended approval of Dr. Shaw's request. Dr. Youngblood moved for approval of the Arthritis Foundation as part of Dr. Shaw's community service. Dr. Colucci seconded and the motion passed unanimously.

Agenda Item 9 Approval of granting of licenses to DC applicants who successfully passed the August 13, 2008 examination.

Dr. Colucci made a motion to grant licenses to the DC applicants who passed the August 13, 2008 examination. Dr. Youngblood seconded the motion and it passed unanimously.

Agenda Item 10 Approval of granting of certificates to CA applicants who successfully passed the August 22, 2008 examinations.

Dr. Youngblood moved to grant CA certificates to the applicants who passed the August 22, 2008 examinations. Dr. Colucci seconded the motion and it passed unanimously.

Agenda Item 11 Approval of granting of certificates to CA for Massage applicants who successfully passed the August 22, 2008 examinations.

Dr. Youngblood moved to grant CA for Massage certificates to the applicants who passed the August 22, 2008 examinations. Dr. Colucci seconded the motion and it passed unanimously.

Dr. Yamane turned the Chair over to Dr. Colucci for the next agenda item.

Agenda Item 12 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 08-18S

Dr. Yamane, who was the IBM for this complaint, recommended it be dismissed. He explained that the Doctor had prescribed supplements and a diet. The patient subsequently fell at her home and blamed the doctor for her injury. The Doctor has given the complainant a refund for her unused supplements. A complaint that she filed with the consumer Health Division was dismissed. Mr. Jackson moved for dismissal of the complaint. The Youngblood seconded and the motion passed with all in favor except Dr. Yamane who recused.

Dr. Yamane resumed the Chair.

Agenda Item 13 Correspondence report.

A letter from the Executive Officer of the California Board of Chiropractic Examiners clarifying their definition of licensure "good standing" was reviewed. There was no comment with respect to correspondence with David Buanno whose license was recently revoked. Cindy Wade requested that any Doctor on the Board interested in participating in the administration of the NBCE Part IV examination let her know by October 3, 2008.

Agenda Item 14 Board Member Comments

Dr. Colucci expressed her concern about the process of phasing out certification of CAs for Massage and the time frame for applying and becoming licensed by the Massage Therapy Board. The revised regulations should be in effect by mid-October when the renewals are scheduled to be mailed. The changes affecting the CAs for Massage will be emphasized in the Newsletter, including advice to the Doctors that they will need to verify that any massage therapist that they employ or contract with holds a Massage Therapy Board license. Mr. Ebihara advised that the December 31, 2008 expiration of certified CAs for Massage should be honored by the Massage Therapy Board. Cindy was requested to contact the Massage Therapy Board for verification and to inquire about the possibility of grandfathering the CAs for Massage who are not yet licensed.

The next meeting in Las Vegas after the October 10-11 meeting will be held on December 12-13, 2008. The next meeting thereafter will be in Reno on January 17, 2009.

The next CA examinations will be administered on February 20, 2009.

Agenda Item 15 Public comment

There was no public comment.

Agenda Item 16 Discussion/action for adjournment.

Dr. Youngblood moved for adjournment. Dr. Colucci seconded and the motion passed unanimously.

Approved: October 10, 2008

Stephanie Youngblood, DC, Secretary