



Chiropractic Physicians' Board of Nevada NEWSLETTER

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA NAMED "BOARD OF THE YEAR"

At the Annual Meeting of the Federation of Chiropractic Licensing Boards on May 4, 2013, the CPBN was honored with the **2013 Dr. Earl L. Wiley Outstanding Chiropractic Licensing Board Award**. CPBN Executive Director Cindy Wade was awarded the FCLB "**Special Presidential Recognition**."

Statutory Changes Enacted During the 2013 Legislative Session

NRS 634.018(4): The following was removed as a definition of unprofessional conduct: "...*preparing, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients.*" The revised definition: "**Advertising, by any form of public communication, a chiropractic practice: (a) Using grossly improbable statements; or (b) In any manner that will tend to deceive, defraud or mislead the public**" has been deemed appropriate by the Board for public protection.

NRS 634.080: A new provision was added that requires that an applicant's official transcript be transmitted directly to the Board from the college of chiropractic from which the applicant received his or her DC degree to simplify the license credentialing process.

NRS 634.100: A new provision allows, but does not require, the Board to provide **online testing** to DCs and CAs for which a score of 90 or higher on all subjects will be required to pass.

NRS 634.115(4): The criteria for issuance of a temporary license now specify that a temporary license: (a) is valid for **no more** than 10 days; and (b) is valid **only for the place of practice designated on the license**.

NRS 634.130(6): A new provision was added that allows the Board to waive the continuing education requirement for DCs or CAs if they submit proof that they were in active military service which prevented them from completing the CE requirements during the 24 months immediately preceding renewal date of the license or certificate.

NRS 634.130(8): CAs who renew their certificates for the first time are not required to attend 12 hours of continuing education.

NRS 634.130(9): A new provision was added that allows the Board to waive the renewal fee of DCs or CAs if they submit proof to the Board that they were in

active military service at the time the renewal fee was due.

NRS 634.130(11): To avoid the negative connotation of disciplinary action by use of the term "automatically *suspended*," the term was changed to "automatically **expired**" in reference to non-renewal of DC licenses and CA certificates.

NRS 634.135(1): The fee that is paid by colleges, chiropractic associations and other continuing education providers for the Board's review for approval of a continuing education course was increased from \$25 to \$50.

All of the above changes are effective October 1, 2013.

Taxicab Driver Examinations

The Nevada Chiropractic Association was instrumental in achieving passage of SB335. Effective January 1, 2014, Nevada chiropractors may examine prospective taxicab drivers and issue medical examiner's certificates.

CA Renewals

All Chiropractor's Assistant renewals are due by December 31, 2013. The fee for the two-year renewal is \$120. Certification of 12 hours of Board approved continuing education attended during the period May 5, 2011 through December 31, 2013 must be submitted to the Board's office by December 31, 2013. All 12 of the 12 hours required for CA certificate renewal may be attended online. A list of approved courses is available at: <http://chirobd.nv.gov/query-CESeminarsCAonly.asp>.

Chiropractors' Assistants renewing for the first time only are exempt from the continuing education requirement. For example, CAs who passed the test and were certified during 2013 do not have to attain continuing education hours to renew on or before December 31, 2013; they still have to renew, however.

The CPBN has authority only over its licensees and certificate holders. The Board enforces Nevada Revised Statute and Nevada Administrative Code 634. Funding for all of its activities are derived solely from the monies collected from licensees and certificate holders. The CPBN has no authority to take action on employment issues, or issues that generally relate to the chiropractic profession. These matters should be addressed by the Nevada Labor Commission, the professional association or other such entities.

NEW DC LICENSEES AND CHIROPRACTOR'S ASSISTANTS

CONGRATULATIONS to the following Chiropractic Physicians who passed the test for DC licensure:

October, 2012

*George Butorac, DC
George Chen, DC
Richard Cohen, DC
Mark Gutierrez, DC*

November, 2012

*Mersedeh Eghadami, DC
Solon Gentry, DC*

December, 2012

*Julia Miller, DC
William Seidel, DC*

March, 2013

*Milo Allen, DC
Jordan Anderson, DC
Matthew Taylor, DC
Andrea Watson, DC*

April, 2013

Jarrold Chipp, DC

May, 2013

*Nathan Miller, DC
Marcus Waters, DC*

June, 2013

Jennifer Keys, DC

July, 2013

*Wayne Cissell, DC
David Light, DC*

The jurisprudence examinations for DC applicants are administered at the Board's office complex in Reno, Nevada on the second Wednesday of each month:

July 10, 2013

August 14, 2013

September 11, 2013

October 9, 2013

November 13, 2013

December 11, 2013

CONGRATULATIONS to those who passed the Chiropractor's Assistant test on March 1, 2013:

Yesica Acosta

Kyra Burns

Eva Castillo-Rios

Maria Delgado

Christy Demma

Keri Dover

Kerri Koshaba

Michelle Nielsen

Gilberto Pelayo

Heather Polich

Rachelle Richardson

Patricia Sampson

Sergio Santos

Sarah Schaich

Maria Sierra

Najama Villela-Aguilera

And also to those who passed the Chiropractor's Assistant test on July 18, 2013:

Brenda Aguilar

Jazmine Aguilar

Andrea Aguirre

Sabina Aquino

Garlene Asia

Diana Bibriesca

Elisa Contreras

Jessica Elmer

Luis Escobar

Porschia Halfin

Brittany Harrell

Theresa Hammond

Mariah Hill

Haley Kaminski

Siting Liang

Jennie Lindquist

Liliana Lizarraga

Adriana Lopez-Garcia

Laura Lo-Presti

Janet Lowry

Kimberley Meyers

Florence Munoz

Kaeli Newsom

Kelsi Oliver

Marlyn Otero

Brenda Propps

Brandi Rademaker

Ariana Rinaldi

Maribel Rivera

Alma Rodriguez

Demarest Sherwood

Regina Trujillo

Angela Turley

Jazmin Villalva

Alyssa Walker

Sheree White

Cheryl Wiseley

CA examinations are offered twice per year. The next examinations for CAs will be administered in Reno and Las Vegas in February, 2014 to applicants who have completed the six months of on-the-job training or a program approved by the Board.

“An applicant for a certificate as a chiropractor's assistant must file an application with the Board on a form furnished by the Board and pay the required fee WITHIN 15 DAYS after the date on which the applicant has begun performing duties as a chiropractor's assistant.”

A MESSAGE FROM THE PRESIDENT

Re: Recommended Office Policy for Patient Billing

Please note that giving a quote, written or verbal, to a patient regarding how much their insurance will pay for your services can be construed as a contractual agreement and would then have to be honored regardless of what the actual insurance reimbursement is. To avoid these misunderstandings, hard feelings between you and your patient, and, most importantly, a formal complaint to the Board, we recommend that the explanation given from you or your staff to your patient regarding insurance coverage be extremely clear that there are uncertainties (if there are).

David G. Rovetti, DC, President

DISCIPLINARY ACTIONS

Daniel Brady, DC, License No. B1391

On October 13, 2012 Dr. Brady and the Chiropractic Physicians' Board of Nevada entered into a Settlement Agreement in which Dr. Brady admitted to violations of NRS 634.018(11) and 634.140(1) and (3) for unprofessional conduct. Dr. Brady shall pay the Board's fees and costs in the investigation and prosecution of this matter totaling \$325 within 30 days; he shall comply with all terms and conditions of the California Board's Decision and Order dated April 24, 2012 and effective May 24, 2012 as if those terms and conditions were ordered by the Chiropractic Physicians' Board of Nevada; Dr. Brady shall take and pass the Nevada jurisprudence examination within 90 days; Dr. Brady shall meet with the Board or its representatives upon request and shall cooperate with such representatives and pay any and all costs incurred.

Loren Grover, DC, License No. B1398

In a Settlement Agreement and Order dated June 1, 2013, Dr. Grover admitted to violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.435 for failing to make and maintain sufficient patient records. Dr. Grover shall pay a \$500 fine within six months, take and pass the NBCE Ethics & Boundaries examination within nine months, take and pass the CPBN jurisprudence examination within 90 days, and receive a reprimand. Dr. Grover shall conform his practice of chiropractic to the changes that will be instituted in Dr. Devin Luzod's practices resultant from the terms and conditions of Dr. Luzod's Settlement Agreement and Order as long as he is employed by Dr. Luzod or otherwise practices in one of Dr. Luzod's practices.

Mark Gutierrez, DC, License No. B1480

In a Settlement Agreement and Order dated June 1, 2013, Dr. Gutierrez admitted to violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.435 for failing to make and maintain sufficient patient records, and violation of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.430(1)(h) for providing false information to the Investigating Board Member in the course of the investigation of this matter. Dr. Gutierrez shall pay a fine totaling \$2,500 within 3 years, take and pass the NBCE Ethics & Boundaries examination within nine months, take and pass the CPBN jurisprudence examination within 90 days, and receive a reprimand. Dr. Gutierrez shall conform his practice of chiropractic to the changes that will be instituted in Dr. Devin Luzod's practices resultant from the terms and conditions of Dr. Luzod's Settlement Agreement and Order as long as he is employed by Dr. Luzod or otherwise practices in one of Dr. Luzod's practices.

Daniel Hecker, DC, License No. B1400

In a Settlement Agreement and Order dated June 1, 2013, Dr. Hecker admitted to violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.435 for failing to make and maintain sufficient patient records. Dr. Hecker shall pay a \$500 fine within six months, take and pass the NBCE Ethics & Boundaries examination within nine months, take and pass the CPBN jurisprudence examination within 90 days, and receive a reprimand. Dr. Hecker shall conform his practice of chiropractic to the changes that will be

instituted in Dr. Devin Luzod's practices resultant from the terms and conditions of Dr. Luzod's Settlement Agreement and Order as long as he is employed by Dr. Luzod or otherwise practices in one of Dr. Luzod's practices.

Collin Higo, DC, License No. B1464

In a Settlement Agreement and Order dated June 1, 2013, Dr. Higo admitted to violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.435 for failing to make and maintain sufficient patient records. Dr. Higo shall pay a \$500 fine within six months, take and pass the NBCE Ethics & Boundaries examination within nine months, take and pass the CPBN jurisprudence examination within 90 days, and receive a reprimand. Dr. Higo shall conform his practice of chiropractic to the changes that will be instituted in Dr. Devin Luzod's practices resultant from the terms and conditions of Dr. Luzod's Settlement Agreement and Order as long as he is employed by Dr. Luzod or otherwise practices in one of Dr. Luzod's practices.

Devin Luzod, DC, License No. B846

In a Settlement Agreement and Order dated June 1, 2013, Dr. Luzod admitted to violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.435 for failing to make and maintain sufficient patient records, violations of NRS 634.140(1) AND 634.018(10) for treating every patient exactly the same regardless of the patient's unique health, needs, condition, or treatment goals, violations of NRS 634.140(1) and 634.018(4), and/or (5) and/or (10) and/or (11) and/or (17) and/or NAC 634.521 for publishing advertising that was false or misleading, and violations of NRS 634.140(1) and 634.018(5) and/or (11) and/or (17) and/or NAC 634.368 and/or 634.410(1) and/or 634.415 for allowing an unlicensed chiropractor to practice chiropractic without his direction and supervision from August 2, 2012 through October 13, 2012. On June 1, 2013 Dr. Luzod was placed on probation for three years. During the probation, with the assistance of Chiropractic Compliance Solutions, he will conform his practices and any DCs that he employs to the terms and conditions specified in the settlement agreement including methods and individualization of diagnosis, treatment, and use of modalities including therapeutic use of medical or chiropractic devices including lasers. His patient records must be modified to comply with NAC 643.435 in SOAP note format, and he must bring his billing and advertising into compliance. Dr. Luzod was ordered to reimburse patients for questionable services provided to them by retaining within 15 business days a CPA or other qualified auditor approved by the Investigating Board Member, Dr. Ben Lurie, to audit and report to the Board within 120 days an accounting of all laser treatments and billings rendered with a determination of which patients might have amounts due to them and how much each might be owed. Dr. Luzod shall bear the costs associated with all of the compliance requirements. He must reimburse the Board's costs of \$17,410.42 before the end of the probationary period, take and pass the NBCE Ethics and Boundaries examination within six months, the CPBN Jurisprudence examination with 90 days, and complete six hours of Nevada approved continuing education related to billing, coding and radiology with 90 days. He may not supervise any chiropractic students during the probationary period. Former Board Member Dr. Ian Yamane will monitor Dr. Luzod's compliance during the probationary period.

