



Chiropractic Physicians' Board of Nevada NEWSLETTER

HAPPY NEW YEAR!

2013 Legislation that Affects You

Senate Bill 351

Effective October 1, 2013, a **provider of health care** (which includes a chiropractor) or a health facility that treats a patient for a condition for which the patient has filed or intends to file a civil claim to recover damages, or any business in which such a provider or facility has a financial interest, **is prohibited from acquiring a debt or lien for services** which arise from the same claim and are provided to the patient by another provider or facility. **A person who violates this law is guilty of a category E felony** for which punishment includes **possible imprisonment and a fine of not more than \$25,000 for each violation.**

Assembly Bill 456

Effective January 1, 2014, **all health care professionals must wear a name tag** indicating their specific licensure or certification while providing health care services other than sterile procedures in a health care facility. All health care professionals are required to identify their type of license and/or certification when communicating to current and prospective patients, in advertisements or when posting credentials at all practice sites.

Assembly Bill 155

Effective October 1, 2013, if a chiropractor or a chiropractor's assistant in his or her professional or occupational capacity knows (or has reasonable cause to believe) that a child has been abused or neglected, that chiropractor or chiropractor's assistant **MUST report the abuse or neglect to an agency which provides child welfare services or to a law enforcement agency.** A first violation of the mandate to report the abuse or neglect of a child by a DC or a CA is punishable

as a **misdemeanor**, and any subsequent violation is punishable as a **gross misdemeanor**.

A reminder: If a DC detects abuse, neglect, exploitation, or isolation of **an older person** he or she is mandated to report it within 24 hours to the local office of the Aging Services Division of the Department of Human Resources, a police department or sheriff's office, or the county's office for protective services. (NRS 200.5093)

Senate Bill 21

Effective with the Board's next licensure renewal cycle, the Chiropractic Physicians' Board will be required to determine if Doctors of Chiropractic and Chiropractor's Assistants **have or do not have a Nevada State Business License when they submit their renewals.** It requires the Board to generate a report for the State Controller to assist in the collection of debts owed to the State. The Board will begin collecting this information on the renewal forms when DCs renew next year for 2015/16.

Senate Bill 220

Effective October 1, 2013, SB220 expanded the Board's authority to enter and inspect chiropractic practices to determine if anyone is practicing without a DC license or CA certificate. The Board may issue a cease and desist order, issue a citation, and/or assess a fine up to \$5,000 for unlicensed activity. Also in SB220 are provisions that allow the Board to accept anonymous complaints.

Senate Bill 236

This bill requires state agencies to make forms available on their websites by June 30, 2015 in a format that will allow them to be completed, downloaded, saved and electronically submitted to the agency securely via the internet.

NEW DC LICENSEES AND CHIROPRACTOR'S ASSISTANTS

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

August, 2013

*Creig Christensen, DC
Tyler Michels, DC
Fidel Odunuga, DC*

September, 2013

*Travis Hites, DC
Joshua Johnson, DC
Lee Wegman, DC*

October, 2013

*Roland Brim, DC
Dong Kim, DC
Cheryle Pettigrew, DC*

November, 2013

*Jun Hong, DC
Martin McIntosh, DC*

December, 2013

*Jacob Danielson, DC
Breagan Madejek, DC
Timothy McCauley, DC
Chad Wheatley, DC*

January, 2014

*Charles Pignataro, DC
Alejandro Portuondo, DC
Jonathan Rojjanasrirat, DC
Trisha Schleusner, DC
Vishal Verma, DC
Raymond Watson, 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:

February 12, 2014
March 12, 2014
April 9, 2014
May 14, 2014

June 11, 2014
July 9, 2014
August 13, 2014
September 10, 2014

October 8, 2014
November 12, 2014
December 10, 2014

Chiropractor's Assistant examinations are offered twice per year. The next examinations for CAs will be administered at the Board's office complex in Reno and at the Southern Nevada Community College in Las Vegas on March 13, 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."

ATTENTION DOCTORS:

All licensed DCs are required to submit a Practice Self-Inspection Report by February 15, 2014. The form will be mailed with a self-addressed envelope for your convenience in returning it to the Board's office. Your report may also be submitted by fax to: 775-688-1920, or via e-mail to: chirobd@chirobd.nv.gov.

A MESSAGE FROM THE PRESIDENT

The Board continues to be pleased with the relatively low number of patient complaints that we have received over the last several months. When the Board receives a complaint against a licensee, a letter is sent to the doctor requesting all the patient's records. Once received, a Board Member is assigned to do a formal investigation of the complaint and a general inspection of the doctor's office. Being notified of a complaint against you, trivial, serious, valid, or unjustified, will certainly ruin your day. My advice to all DC's is to stay well within the bounds of Nevada chiropractic laws and regulations. Also, keep your patients happy. Frustrated, dissatisfied, and over-charged patients are usually the ones who send in a formal complaint. To help keep doctors out of trouble, we have a help section on the Board's website to give specific information on advertising laws and note-taking laws. NRS 634 and NAC 634 can also be easily accessed on the website. Let's make 2014 the year of even fewer complaints.

David G. Rovetti, DC, President

DISCIPLINARY ACTIONS

Brandi Bradshaw, DC, License No. B1341

On November 16, 2013, Brandi Bradshaw, DC, entered into a Settlement Agreement with the Chiropractic Physicians' Board of Nevada for violations of NRS 634.018(7) for administering and prescribing controlled substances, NRS 634.018(10) for conduct unbecoming a chiropractor or detrimental to the best interests of the public, NRS 634.018(11) for violating a provision of NRS chapter 634 or NAC chapter 634, NRS 634.140(1) for unprofessional conduct, and NAC 634.430(q) for violating a provision of title 54 of NRS other than NAC chapter 634.

Dr. Bradshaw shall pay \$5,000 by November 16, 2014 for reimbursement of the Board's total fees and costs, with any remainder to be applied as a fine. She shall take and pass the National Board of Chiropractic Examiners Ethics and Boundaries Examination and complete 12 hours of approved continuing education relating to ethics and boundaries by May 16, 2014.

Laura Harmon, DC, License No. B1356

On October 5, 2013, Dr. Laura Harmon entered into a Settlement Agreement with the Chiropractic Physicians' Board of Nevada allowing the imposition of discipline for charges involving NRS 634.018(11) and 634.140(1) and NAC 634.430(1)(h) for under-representing the specific number of telephone contacts relevant to an investigation to the Board's investigating board member. Other charges against Dr. Harmon were dismissed.

Dr. Harmon shall reimburse \$6,000 to the Board for all fees and costs incurred and any remaining balance shall be paid to the State as a fine by April 5, 2014. She shall take and pass the National Board Ethics and Boundaries Examination by April 5, 2014 and complete 12 hours of continuing education on the subject of ethics and boundaries by April 5, 2014.

Joshua Purcell, DC, License No. B917 – Effective November 16, 2013

On November 16, 2013, Joshua Purcell, DC, entered into a Settlement Agreement with the Chiropractic Physicians' Board of Nevada allowing the imposition of discipline for charges related to NRS 634.140(1) and/or NRS 634.018(5) and/or NRS 634.018(10) and/or NRS 634.018(11) and/or NRS 634.018(17) and/or NRS 634.227(1)(b) and/or NAC 634.430(1)(h) and/or NAC 634.430(1)(m) regarding records produced in response to a subpoena for records; violations of NRS 634.140(1) and/or NRS 634.018(5) and/or NRS 634.018(10) and/or NRS 634.018(11) and/or NRS 634.018(17) and/or NAC 634.430(1)(m) for representing to the public that initial consultations would be "complimentary" and by thereafter charging or billing some patients for their initial "complimentary" consultation; violations of NRS 634.140(1) and/or NRS 634.018(5) and/or NRS 634.018(11) and/or NRS 634.018(17) and/or NAC 634.435 for failing to make and maintain complete, accurate and sufficient medical records for his patients; violations of NRS 634.140(1) and/or NRS 634.018(5) and/or NRS 634.018(10) and/or NRS 634.018(11) and/or NRS 634.018(17) and/or NAC 634.430(1)(f) and/or NAC 634.430(1)(m) for representing to patients with extended or unlimited insurance coverage for chiropractic care that their insurance was limited to induce or cause those patients to pay cash for their chiropractic care; and violations of NRS 634.140(1) and/or NRS 634.018(5) and/or

NRS 634.018(10) and/or NRS 634.018(11) and/or NRS 634.018(17) and/or NAC 634.430(1)(f) and/or NAC 634.430(1)(m) for being paid twice for a single chiropractic service.

Dr. Purcell shall be on probation for three years during which his practice will be monitored by an approved practice monitor who will assure that Dr. Purcell complies with all of the terms and conditions of the Settlement Agreement, including reformation of his practice with respect to record keeping, integration of records, providing of records, prepayment plans, patients with insurance coverage and advertising. Within 60 business days Dr. Purcell shall retain the services of a CPA or other qualified auditor approved by the IBM to audit and report to the Board within 120 days an accounting of any double billings rendered for any treatments or services since February 1, 2010 with a determination of which patients might have amounts due to them and how much each might be owed. Dr. Purcell shall bear the costs associated with all of the compliance requirements. By the end of his probationary period Dr. Purcell shall pay the Board's fees and costs totaling \$21,555.93. By May 16, 2014 he shall pass the National Board Ethics & Boundaries Examination and by February 16, 2014 he shall pass the Board's jurisprudence examination.

David Stella, DC, License No. B753

On November 16, 2013, David Stella, DC, entered into a Settlement Agreement with the Chiropractic Physicians' Board of Nevada for violations of NRS 634.140(1) for unprofessional conduct as defined in NRS 634.018(10) and (11), and NAC 634.410(2) for conduct on premises involving sexual acts, NAC 634.430(1)(a) for engaging in sexual misconduct, NAC 634.430(2)(c) for sexual misconduct, NAC 634.430(1)(f)(2) for billing patients or making claims under a contract of insurance in a manner which misrepresents the nature of the chiropractic services that have been performed, and NAC 634.435 for inaccurate health care records.

Dr. Stella shall be on probation for three years with a practice monitor who will assure compliance with the terms and conditions of the settlement agreement, including that a member of his staff will be present in the room when he interviews, treats, or otherwise interacts with a female patient, and that manual cervical traction procedures are properly performed and billed. He shall pay a total fine of \$16,000 by December 16, 2013, or by November 16, 2014 if payment arrangements are made. By February 16, 2014 he shall take and pass the National Board Ethics and Boundaries Examination, and take two hours of approved continuing education relating to billing and coding and two hours regarding record keeping and chiropractic documentation.

Tad Tenney, DC, License No. B780

On November 16, 2013, Tad Tenney, DC, entered into a Settlement Agreement with the Chiropractic Physicians' Board of Nevada for violations of NRS 634.140(1) for unprofessional conduct as defined in NRS 634.018(4) and (5), and NAC 634.521 for false or misleading communications and NAC 634.550 for advertisement as expert or specialist.

Dr. Tenney shall pay a \$500 fine by December 16, 2013 or, if payment arrangements are made, the fine shall be paid in full by May 16, 2014. For a period of one year he shall not place any advertisement in any media without first providing the advertising copy for the Investigating Board Member's approval.

Future Issues of CPBN Newsletter

This newsletter issue was e-mailed to all DCs and CAs who have registered an e-mail address with the Board. Future issues will only be sent via e-mail unless a specific request for mailing by U.S. mail is received. If you wish to change your e-mail address from the one at which you received this issue, or if you wish to receive a paper copy of the newsletter via U.S. mail, please send your request on the form below to the Board's office by U.S. mail, fax: 775-688-1920, or e-mail: CPBN@chirobd.nv.gov.

 Please mail the CPBN Newsletter to:

Name: _____
Address: _____
City, State, Zip: _____

Please e-mail the CPBN Newsletter to:

Name: _____
E-mail: _____

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Licensing Specialist: Jennifer Machen