



# Chiropractic Physicians' Board of Nevada

# NEWSLETTER

Issue No. 51  
Fall/Winter 2012

## NEW CPBN CONSUMER MEMBER

We are pleased to announce that Governor Sandoval has appointed Tracy DiFillippo, Esq., to serve as Consumer Member. Tracy is an attorney with Armstrong Teasdale in Las Vegas. She replaces former Consumer Member Paul Jackson.

## CA RENEWALS

The next Chiropractor's Assistant renewals will be for one year, due on or before January 1, 2013. Thereafter, CA renewals will be due every two years on or before January 1 of even-numbered years.

**January 1, 2014 is the first renewal deadline when Chiropractor's Assistants will be required to provide evidence that they have attended 12 hours of Board-approved continuing education. All approved courses attended during 2011 through 2013 will be accepted.**

Approved continuing education courses for CAs are listed on the Board's website: <http://chirobd.nv.gov/query-CEseminarsCAonly.asp>.

## DC RENEWALS

The two-year DC renewals are due on or before January 1, 2013. 36 hours of continuing education are required except for new licensees whose licenses were issued during calendar years 2011 and 2012. Continuing education courses are listed on the Board's website: <http://chirobd.nv.gov/query-CEseminarsDConly.asp>.

The lists are regularly updated. If you have questions or concerns, contact the Board office at 775-688-1921 for assistance.

## PAPER RENEWALS

An additional \$25.00 will be assessed for the cost of processing paper renewals submitted by mail. There will be no additional charge for online renewals.

## PRECEPTOR PROGRAM

We are continuing to work on the approval process and hope to have the regulations approved by the Legislative Commission this coming December, 2012.

## *LETTER FROM THE PRESIDENT*

Be careful! Groupons or similar advertising has recently been deemed illegal in Oregon, and other states are looking closely at this matter. It is currently legal for DC practices in Nevada to offer such deals. But, as with all advertising, the wording and the giveaway must comply with Nevada law. Some things to consider if you decide to utilize this type of marketing: 1) A copy of a document explaining what is free and what you will charge for must be signed by the patient and kept in his/her file; 2) the name of at least one chiropractor must be included in the promotion, 3) the term "specialist" or "expert," unless you are registered with the Board as such, are usually not allowed, and 4) any free diagnostic service(s) have to be complete enough to make a proper diagnosis.

Under NRS 634.556(3), *"If a licensee provides diagnostic services, including, without limitation, examinations and x-rays, free of charge or at a discounted rate pursuant to an advertisement, the licensee shall provide those services in a sufficiently complete and thorough manner so as to allow the licensee to make a proper diagnosis."*

Under NAC 634.556(1), *"No separate charge may be made for the professional evaluation of diagnostic tests or procedures which are provided free of charge or at a discount, regardless of whether the professional evaluation is made at the time of the initial office visit or at a later time."*

I recommend all licensees read the advertising guide for Nevada DCs found on the first page of the Board's website entitled: "A CHIROPRACTIC PHYSICIANS' GUIDE TO ETHICAL AND LEGAL ADVERTISING IN NEVADA."

David G. Rovetti, DC  
President, CPBN

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:

### December 14, 2011

Brandon Barnette, DC  
Chad Frandsen, DC  
Casey Gilbert Little, DC  
Michael Heath, DC  
Michael Humpherys, DC  
Alexis Ranallo, DC

### January 11, 2012

Sondra Catania, DC

### February 8, 2012

Cory Henderson, DC  
William Kuch, DC  
Robert Moore, DC

### March 13, 2012

Heidi Shelton, DC  
Daniel D. Yen, DC

### April 11, 2012

Lynelle B. McSweeney, DC

### May 9, 2012

Amy E. Borders, DC  
David R. Ellis, DC  
Richard M. Feher, DC  
Collin H. Higo, DC  
Brandon L. Todd, DC  
Michael T. Weide, DC

### June, 2012

Justin A. Goldstein, DC  
Daniel W. Griffith, DC  
Stephen K. Stornetta, DC

### July, 2012

Lloyd C. Reiter, DC  
Andrea D. Hutton, DC

### August, 2012

Joseph G. Ramsey, III, DC

### September, 2012

Jessica L. Durso, 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:

<u>2012</u>		<u>2013</u>	
October 10	January 9	April 10	July 10
November 14	February 13	May 8	August 14
December 12	March 13	June 12	September 11

\* \* \* \* \*

CONGRATULATIONS ALSO to those who passed the Chiropractor's Assistant test in February, 2012:

Sally Alldredge  
Verna Arriola  
Sierra Bainbridge  
Heather Brown  
Susana Diaz  
Ami Foster  
Sandy Galdamez

Monique Gomez  
Beatriz Gritton  
Briana Harrington  
Rebecca Lopez  
Dolores Maceda  
Karla Manzano-Carrillo  
Kelly McFarland

Brandi L. Moya  
Miriam C. Ramos  
Roberto Rodriguez  
Maritza Trujillo  
Katrina Whitehurst  
Damaris Zuniga

And in August, 2012:

Cecilia Bettencourt  
Irene de Groot  
Jessica Easton  
Nataly Esparza  
Diana Hernandez-Espana  
Brian Herrera  
Michelle Hitchcock

Samuel Landa  
Claudia Martinez-Arriaga  
Yadira Munoz  
Rebecca Ortiz  
Mariana Pundsack  
Katherine Ramey  
Norma Rodriguez

Nicole Simpson  
Bethany Skelton  
Lacey Smith  
Janet Stewart  
Crystal Stott  
Iveth Villalba

The next examinations for Chiropractor's Assistants will be administered at the Board's office complex in Reno and at the Southern Nevada Community College in Las Vegas on March 1, 2013 to applicants who have completed the six months of on-job-training or the equivalent education.

**"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." (NAC 634.350(1))**

# **DISCIPLINARY ACTIONS**

## **Corazon Murillo, DC, License No. B647**

In a hearing on March 10, 2012 Dr. Murillo was found in violation of NRS 634.018(5), (11) and (17) and 634.140(1) and NAC 634.430(1)(q) for failing to provide the fingerprint documents as required by NRS 622.360, and that she was also in violation of NRS 634.018(17) and 634.140(1) for failing to surrender her license certificate and wallet cards as previously agreed.

Dr. Murillo's license was permanently revoked effective April 3, 2012. Within 30 days, Dr. Murillo is required to reimburse the Board's fees and costs of investigation and prosecution in this matter totaling \$360, and pay a fine of \$5,000 for each of the two causes of action, a total fine of \$10,000.

## **Ned "Mike" Moriearty, DC, License No. B1440**

In a hearing on March 10, 2012 Dr. Moriearty admitted to violations of NRS 634.018(1) and/or (10) and/or NRS 634.140(1) and/or NRS 634.227(1)(b) in that he made substantive misrepresentations on his application for licensure by not informing the Board that he had been licensed in Arizona and that his Arizona license had been subjected to discipline.

Dr. Moriearty entered into a Settlement Agreement in which he agreed to surrender his license. He may not apply for a new license until after April 24, 2014.

## **David Streng, DC, License No. B1207**

After two days of hearing, June 2 and July 14, 2012, Dr. Streng was found guilty on two counts each for violations of NRS 634.018(5), (10), (11) and (17), NRS 634.140(1) and NAC 634.435(1) for making and maintaining medical records that were not accurate. Dr. Streng was also found guilty on two counts each for violations of NRS 634.018(5), (10), (11) and (17), NRS 634.140(1) and NAC 634.430(1)(f) and (m) for submitting bills or claims for payment for services that were not performed.

Dr. Streng was ordered to take and pass the Board's jurisprudence exam and the National Board's Ethics and Boundaries exam within 90 days. He must also complete 12 hours of continuing education on ethics and boundaries and 12 hours on billing and coding. He must pay the Board's costs of \$17,828.33 and \$11,000.00 in fines.

Dr. Streng was placed on a two-year probation during which, at his expense, his practice of chiropractic will be monitored for compliance.

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## **GUIDELINES FOR CLASS IV LASER USE**

A Class IV device must be designed, designated and issued as a Class IV Therapeutic Laser only, not "industrial," "surgical" or "military" grade;

A Class IV Therapeutic laser cannot emit an ablative beam and may not be utilized for ablation (cutting or burning of tissues, or hair removal) under any circumstances by either a DC or a CA; and

A CA assisting in Class IV Therapeutic Laser may not be trained solely by a DC or by any other employee of a practice, but must be trained by an educational institution or through a *bona fide* laser device manufacturer/company distributing the Class IV Therapeutic Laser device. This means that each staff person performing Class IV Therapeutic Laser in a practice must be individually trained to use the device and thus be able to produce proof of such training upon request.

These guidelines do not apply to "cold" or "low-level" lasers, which are usually Class II and III lasers.

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### **BOARD MEMBERS:**

Dr. David G. Rovetti, President, Reno  
Dr. Benjamin S. Lurie, Vice President, Las Vegas  
Dr. Jack Nolle, Secretary-Treasurer, Reno  
Dr. Lawrence Davis, Member, Reno  
Dr. Annette Zaro, Member, Las Vegas  
Tracy DiFillippo, Esq., Consumer Member, Las Vegas  
Shell Mercer, Esq., Consumer Member, Las Vegas

### **HOW TO CONTACT THE BOARD:**

Chiropractic Physicians' Board of Nevada  
4600 Kietzke Lane, Suite M245  
Reno, Nevada 89502-5000  
Telephone: 775-688-1921  
Voice Mail: 775-688-1919  
Facsimile: 775-688-1920  
E-mail: [chirobd@chirobd.nv.gov](mailto:chirobd@chirobd.nv.gov)  
Website: <http://chirobd.nv.gov>  
Executive Director: Cindy Wade

## STANDARDS FOR RECORD KEEPING

The Board is often asked questions about patient records (including x-rays). Here is a list of some, but not all, of the things you need to know.

### **Your patient records must:**

- Contain a list of chief complaint(s)
- Contain a history of the health of the patient
- Contain a treatment plan
- Be clear, legible, complete and accurate
- Contain the areas of the body that were treated and the patient's response to treatment.
- Be completed within 72 hours of treating or examining the patient
- Must be kept for five years according to State law; seven years according to federal Medicare law
- Current standards for record completeness state that negative tests, such as normal range of motion or normal reflexes, be indicated as such and not simply left blank on an examination form

### **With regard to patient record requests:**

- Patient records must be sent out within five (5) business days following a valid request
- For most patient records, you may charge up to, but no more than, \$.60 per page, plus reasonable charges for copying radiographs, plus postage. For copying records related to a worker's compensation claim, you may charge up to, but no more than \$.30 per page. A signed worker's comp C-4 form has sufficient wording in the release to give legal protection for you to provide all records to those listed on the release. For records requested by a patient or their representative to support a Social Security claim, no monies may be charged
- Billing records are considered patient records. Unless requested not to do so by the requesting party, they should be included with the clinical records
- Although legal to do so, most doctors do not charge other doctors for copying and sending patient records to each other

Violation(s) of any of the statutes or regulations regarding patient records may result in disciplinary action from the Board and/or malpractice lawsuits.

**Please remember, if not documented or recorded it was, in effect, NOT DONE.**

Benjamin S. Lurie, DC  
Vice President, CPBN