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LAWRENCE DAVIS, DC
Vice President
BEN LURIE, DC
Secretary-Treasurer
JACK NOLLE, DC
Member

STATE OF NEVADA



PAUL JACKSON
Consumer Member
SHELL MERCER, ESQ
Consumer Member
ANNETTE ZARO, DC
Member

CINDY WADE
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board was held on Saturday, December 4, 2010 in Conference Room I-204 at Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502. The following Board members were present at 9:00 AM for the roll call:

Lawrence Davis, DC, Acting President
David G. Rovetti, DC, Secretary
Paul Jackson, Consumer Member
Ben Lurie, DC, Member
Jack Nolle, DC, Member
Annette Zaro, DC, Member

Consumer Member Shell Mercer was not present. Also present were Board Counsel Louis Ling and Executive Director Cindy Wade.

Acting President Dr. Lawrence Davis determined that a quorum was present and called the meeting to order. Dr. Zaro led those present in the Pledge of Allegiance.

Agenda Item 1 Approval of Agenda

Dr. Rovetti moved for approval of the agenda. Mr. Jackson seconded and the motion passed unanimously.

Agenda Item 2 Public Interest Comments

There were no public comments.

Agenda Item 4 Review and approval of posting of self-published codification of statutes and regulations.

Mr. Ling has updated NAC 634, the administrative rules and regulations. The last revisions were adopted in December, 2008 but are not yet available in printed form. Posting of the self-published codification on our website and making it available to applicants will allow us to update the DC and CA law tests. Mr. Jackson moved to accept the self-published codification and to continue to provide the self-published codifications as revisions are adopted. Dr. Rovetti seconded the motion and it passed with all in favor.

Agenda Item 5 Discussion/possible action regarding minutes of previous meetings:

- A. September 9-12, 2010 Minutes
- B. October 23, 2010 Minutes
- C. November 9, 2010 Conference Call Minutes

Dr. Rovetti requested that Agenda Item No. 1 in the November 9, 2010 minutes be amended to say that "Mr. Astley told the Board there was no need to call him.....". Dr. Nolle moved for approval of the September 9-12 and October 23, 2010 minutes as written and the November 9, 2010 minutes as amended. Dr. Davis seconded the motion and it passed with all in favor.

Agenda Item 6 Discussion/possible action regarding approval of utilization of "Bax Aura" diagnostic biofeedback device.

Dr. Rodney Shoemaker was present and explained that he wishes to establish that utilization of the Bax Aura diagnostic biofeedback device is within the chiropractic scope of practice. Following some discussion, Dr. Nolle made a motion to establish that the utilization of galvanic skin response and laser is within the chiropractic scope of practice. Dr. Zaro seconded the motion. After further discussion, Dr. Nolle amended his motion to state that galvanic skin response and laser are determined to be within the chiropractic scope of practice and the use of devices such as Bax Aura, but not limited to Bax Aura, is acceptable. Dr. Zaro seconded and the motion passed with all in favor.

Agenda Item 7 Discussion/possible action regarding assignment of Compliance Monitor required by Board Order in the Matter of Allen Stout, DC, License No. B542.

Dr. Nolle moved to accept Dr. Lawrence Smith of Boulder City as Dr. Stout's Compliance Monitor. The motion was seconded by Dr. Lurie and passed unanimously.

Agenda Item 10 Discussion/possible action regarding selection of lobbyist for the Board for the Legislative session beginning February, 2011.

Legislative Committee Chair Paul Jackson announced that the three candidates selected by the committee were present. The Board conducted interviews with Susan Fisher of Fisher Consulting, Mendy Elliott and Marsha Berkbigler of Nevada Business Strategies, and Maury Astley. The candidates left the meeting and the Board proceeded to consider their candidacies. None of the candidates' proposals fell within the budgeted amount. Upon their return to the meeting, Dr. Rovetti made a motion that negotiations will be conducted with the candidates in the following order: first, Nevada Business Strategies; second, Susan Fisher; and third, Maury Astley. An agreement is to be reached within seven days on an amount that will fall within the Board's budget. Second was by Dr. Lurie. The motion passed with Drs. Davis, Lurie and Rovetti and Mr. Jackson in favor and Drs. Nolle and Zaro opposed.

Agenda Item 8 Discussion and potential approval of modification to final order in Matter of Keith Quisberg regarding practice monitoring.

Louis Ling recommended certain modifications that should be made to the Board's Order in the Matter of Keith Quisberg, DC, with respect to the requirements for a compliance monitor. Dr. Zaro moved to accept the amendment to the order as proposed by Mr. Ling. Dr. Rovetti seconded the motion and it passed with all in favor.

Agenda Item 9 Discussion and potential approval of settlement terms in Lin v. CPBN.

At Mr. Ling's request, the Board went into closed session for an attorney-client discussion regarding the proposed settlement from Dr. Lin. When the meeting reopened, Mr. Jackson moved to turn down the settlement offer and that the President should select a Board member who will be authorized to negotiate with Mr. Ling on any future settlement offer. Dr. Rovetti seconded and the motion passed with all in favor.

Agenda Item 11 Discussion/possible action regarding monitoring of Lobbyist.

Mr. Jackson submitted his recommended procedure for Legislative Committee action during the upcoming legislative session. He moved for approval of the proposed procedure and requested decision making authority for the committee subject to the Board President's approval. Dr. Rovetti seconded. The motion passed with all in favor.

The following hearing commenced at 1:00 PM:

Agenda Item 3 Public Hearing for the Adoption of Regulations of the Chiropractic Physicians' Board of Nevada.

The proposed regulations were thoroughly reviewed. Dr. Zaro expressed her concern about the limitations placed on the ability of Chiropractor's Assistant trainees to continue working. However, after discussion, she went on the record as being in support of the regulation as proposed. NCA President Dr. James Overland commented that the preceptorship issue has not been resolved because it does not allow undergraduates to attain the needed clinical experience. Mr. Ling informed him that there is no statutory authority for that provision to be put into regulation and suggested that the NCA might consider including it in their BDR. Mr. Jackson moved to accept the proposed regulations with the recommended verbiage changes as discussed and noted by Mr. Ling. The motion was seconded by Dr. Zaro and passed with Drs. Davis, Lurie, Nolle and Zaro and Mr. Jackson in favor and Dr. Rovetti opposed.

Agenda Item 12 Discussion/possible action regarding continuing education credits for DC instructors at institutions of higher learning.

Dr. Overland requested that the Board consider granting CE credits to instructors of higher learning, EMT instructors, etc. Dr. Nolle and Dr. Overland will confer on a possible recommendation for the Board's consideration at a future meeting.

Agenda Item 13 Discussion/possible action regarding continuing education online vs. in-person seminars.

Dr. Overland requested that attendance at on-line seminars be limited to 50% of the number of required hours. After considerable discussion the Board agreed to maintain the regulation that is currently in place.

Agenda Item 14 Discussion of continuing education credits for CAs.

Dr. Overland reported that the NCA has submitted a BDR to LCB that includes 12 hours of continuing education required for CAs for each renewal period. Senator Hardy has indicated his support and the Board agreed to consider the BDR.

Agenda Item 15 Discussion/possible action for granting of Doctor of Chiropractic licenses to applicants who passed the November 10, 2010 examination.

Dr. Davis moved to grant licenses to the DC applicants who passed the November 10, 2010 examination. Mr. Jackson seconded and the motion passed unanimously.

Agenda Item 16 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 10-11S:** Dr. Rovetti reported that the DC and the complainant, an independently contracted massage therapist, have settled and the complaint has been withdrawn. However, the doctor was in violation of NAC 634.419(4)(c) because he billed for her massage therapy services. Dr. Rovetti recommended that a letter of instruction be sent to the doctor reminding him that he may not bill for the services of an independent contractor and that he be required to take and pass the Nevada Law test within six months. Dr. Nolle so moved and Dr. Lurie seconded. The motion passed with all in favor except Paul Jackson who was opposed.

B. **Complaint 10-16S:** A patient's husband filed a complaint that alleged unsanitary, non-hygienic conditions, HIPAA records violations, use of questionable credentials, there was no staff present, and the DC displayed anger over a missed appointment. Investigating Board Member Dr. Rovetti conducted a surprise inspection of the doctor's office. He detected no violation of the Nevada statutes or regulations and recommended the complaint be dismissed. Dr. Zaro made a motion to accept Dr. Rovetti's recommendation of dismissal providing the doctor complete and submit a HIPAA Compliance Check List. Dr. Davis seconded. The motion passed with Drs. Davis, Lurie, Rovetti and Zaro in favor and Dr. Nolle and Mr. Jackson opposed.

Agenda Item 18 Discussion/possible action regarding review of attorney and investigator bills post-hearing.

Paul Jackson moved that the Board's President be authorized to appoint a Board member other than the IBM to conduct an independent post-hearing review of the investigative and legal costs incurred in disciplinary matters that exceed a combined total of \$5,000. Dr. Davis seconded and the motion passed with all in favor.

Agenda Item 17 Discussion/possible action for approval of hiring part-time staff investigator.

The merits of employing a part-time investigator vs. budgetary constraints were considered. This matter was tabled until the March, 2011 meeting. In the meantime, the President will appoint a committee to prepare a job description and employment plan, and the Secretary-Treasurer and Executive Director will review the costs incurred in prior disciplinary actions.

Agenda Item 19 Discussion/approval of Board financial status report:

- A. Bank balance as of December 1, 2010
- B. Income/Expense Report: July 1 through December 1, 2010
- C. Accounts Receivable as of December 1, 2010
- D. Accounts Payable as of December 1, 2010
- E. Extraordinary Items/Items of Concern

Cindy Wade provided an update of recent financial activity. Our present Xerox machine model is being phased out. The new machine will be faster and will include color, fax, scanner and 3-hole punch capabilities for \$32.76 per month more than the current lease amount. 2,948 shares of the Board's EIG stock were liquidated in September and the proceeds of \$45,817.27 were deposited to the checking account. There are 4,000 shares remaining at a current value of \$62,000. License renewals went out the first of October, a month earlier than in the past, with good response. Dr. Davis made a motion to approve the financial reports. Dr. Nolle seconded and the motion passed with all in favor.

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Agenda Item 20 Discussion/approval of Executive Director Reports:

- A. Status of Complaints Received
- B. Status of Current Probations
- C. Legal/Investigatory

There was discussion concerning the current number and status of complaints that need to be reassigned to different IBMs due to member changes. Dr. Davis moved to approve the Executive Director report seconded and the motion passed unanimously.

Agenda Item 21 Discussion/possible action re: attendance at FCLB Annual Conference, 2011, Marco Island, Florida.

The deadline to register delegates is April 5, 2011. Due to budgetary concerns, the matter was tabled until the March, 2011 meeting.

Agenda Item 22 Discussion/possible action for approval of Committee Mission Statement

The following mission statement was submitted for the Test Committee by the Board feels are required for public protection by the DCs and CAs. Dr. Zaro moved to approve the mission statement of the Test Committee Chair. Mr. Jackson seconded the motion. In discussion, Dr. Zaro amended her motion to approve the committee mission statement of the Test Committee. Mr. Jackson seconded the amended motion and it passed with all in favor. The mission statements for the remaining committees will be addressed at the March, 2011 meeting.

Agenda Item 23 Discussion/possible action for approval of Board Member Job Descriptions

Dr. Zaro moved that the Board Member Job Descriptions be approved as a word document. Dr. Lurie seconded and the motion passed with all in favor.

Agenda Item 24 Discussion/possible action for approval of addition of administration charges to records and advertising violation notifications.

There was no action because Mr. Ling advised that there is no citation authority for the imposition of the proposed administration fee.

Agenda Item 25 Election of officers.

The position of Board President was vacant and Dr. Davis declared nominations open for President. Mr. Jackson nominated Dr. Davis and Dr. Rovetti nominated himself. The nominations were closed and paper ballots were distributed and marked. A tally of the ballots resulted in election of Dr. Rovetti as President with Drs. Lurie, Nolle, Rovetti and Zaro voting for Dr. Rovetti and Dr. Davis and Mr. Jackson voting for Dr. Davis.

Election of Dr. Rovetti as President resulted in a vacancy in the position of Secretary-Treasurer. Dr. Davis declared nominations open for Secretary-Treasurer. Dr. Rovetti nominated Dr. Lurie. Dr. Zaro seconded the nomination. Dr. Lurie accepted and was elected Secretary-Treasurer by acclamation.

Agenda Item 26 Correspondence Report

Cindy provided an update on several recent e-mail communications. The Board agreed to include in the next Newsletter a request for feedback on the quality of continuing education seminars.

Agenda Item 28 Public Comment

Dr. Overland commented that there are still unlicensed chiropractors from out of state who are performing adjustments when participating in seminars in Nevada. He also announced that the NIAA will adopt their new regulation that will allow DCs to perform school sports physicals at their January 20, 2011 hearing.

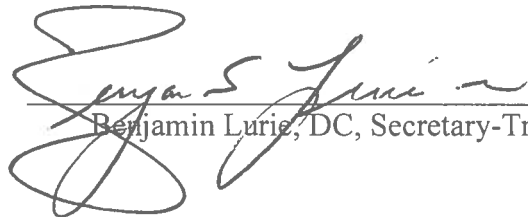
Agenda Item 27 Board Member Comments

Dr. Nolle expressed thanks to the new Board members, Drs. Lurie and Zaro, for their active participation in this first meeting. The next meeting will be for one day on Saturday, March 12, 2011 in Reno unless there is a hearing that will require it to be held in Las Vegas.

Agenda Item 29 Adjournment

Dr. Davis moved for adjournment. Dr. Nolle seconded and the motion passed unanimously.

Approved: March 12, 2011



Benjamin Lurie, DC, Secretary-Treasurer