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STATE OF NEVADA



PAUL JACKSON
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SHELL MERCER, ESQ
Consumer Member
IAN YAMANE, DC
Member
JACK NOLLE, 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, February 20, 2010 at 9:00 AM in Room 4401 of the Grant Sawyer State Office Building, 555 E. Washington, Las Vegas, Nevada 89101. The following Board members were present for the roll call:

Ian K. Yamane, DC, President
Margaret Colucci, DC, Vice President
David G. Rovetti, DC, Secretary
Lawrence Davis, DC, Member
Paul Jackson, Consumer Member
Jack Nolle, DC, Member

Also present were Elizabeth Foley, Esq., and CPBN Executive Director Cindy Wade. Consumer Member Shell Mercer, Esq., arrived at 9:04 AM and Deputy Attorney General Daniel Ebihara arrived at 9:07 AM.

Dr. Yamane determined that a quorum was present and called the meeting to order. Dr. Jack Nolle led those present in the Pledge of Allegiance.

Agenda Item 1 APPROVAL OF AGENDA

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

Agenda Item 2 PUBLIC INTEREST COMMENTS

There were no public interest comments.

Agenda Item 3 DISCUSSION/POSSIBLE ACTION REGARDING PREVIOUS MINUTES:

A. Approval of November 24, 2009 Minutes

B. Approval of December 12, 2009 Minutes

Dr. Colucci moved for approval of the November 24 and December 12, 2009 minutes. Dr. Davis seconded the motion and it passed unanimously.

Agenda Item 4 Discussion/possible action regarding administrative hearing/granting of continuance/approval of proposed agreed settlement in the matter of John Fitzgerald, DC, License No. B1047, Complaint No. 08-23S.

Dr. Fitzgerald was present and waived his right to have counsel present. Ms. Foley presented the terms and conditions of the proposed Agreed Settlement. Dr. Rovetti moved to accept the Agreed Settlement as presented. Dr. Nolle seconded. The motion passed with all in favor.

The rest of the agenda items were addressed out of order for the convenience of those present.

Agenda Item 6 Discussion/possible action regarding administrative hearing/granting of continuance/approval of proposed agreed settlement in the matter of David B. Cohen, DC, License No. B407, Complaint No. 09-24S.

Dr. Cohen and his counsel, Dr. Jeffrey D. Andrews, Esq., were present. Ms. Foley presented the terms and conditions of the proposed Agreed Settlement. Dr. Andrews and Investigating Board Member Paul Jackson both stated that they are in agreement with the proposed settlement. Dr. Davis moved to accept the Agreed Settlement as proposed. Dr. Nolle seconded. The motion passed with Drs. Davis, Nolle, Rovetti and Yamane in favor, Dr. Colucci opposed and Ms. Mercer abstained.

Agenda Item 7 Approval of Compliance Monitor for probation of Wade Siegel, DC, pursuant to the November 6, 2009 Agreed Settlement of Disciplinary Action and Order.

Dr. Rovetti moved to approve Dr. Jeffrey D. Andrews, Esq., as Compliance Monitor for Dr. Siegel. The motion was seconded by Mr Jackson and passed unanimously.

Agenda Item 5 Discussion/possible action regarding motion to Dismiss Complaint/Administrative hearing/approval of agreed settlement in the matter of Jason Inera, DC, License No. B788, Complaint No. 09-19S.

Dr. Inera and his counsel, Patricia Daehnke, Esq., were present. At Ms. Foley's request, the witnesses were excluded from the hearing. Ms. Daehnke presented her Motion to Dismiss and Ms. Foley presented her response. Mr. Jackson moved to deny the Motion to Dismiss. Ms. Mercer seconded and the motion passed with all in favor. All exhibits from both sides were admitted as evidence. **Veena Del Signore, Murray Wilson and Dr. Jason Inera** were sworn in as witnesses and provided testimony. Following questions of the witnesses by the presiding Board members, a recess was called for negotiation of a settlement.

Agenda Item 9 Discussion/possible action regarding the following topics as submitted by the Nevada Chiropractic Association:

- A. Chiropractic Assistant Program and Certification**
- B. NCA/CPBN Communication**
- C. Chiropractic Discrimination in Nevada**
- D. Lien Privilege Legislation**

This matter was postponed until the March 13, 2010 meeting in Reno because NCA President Dr. James T. Overland, Jr., was unable to continue to be present.

Agenda Item 10 Discussion/possible action for granting of DC licenses to applicants who passed the February 20, 2010 examination.

Dr. Colucci moved to grant licenses to the DC applicants who passed the February 20, 2010 examination. Dr. Nolle seconded and the motion passed unanimously.

Agenda Item 14 DISCUSSION/APPROVAL OF BOARD FINANCIAL STATUS REPORT:

- A. **Bank balance as of February 1, 2010**
- B. **Income/Expense Report: July 1, 2009 through February 1, 2010**
- C. **Approval of conversion of CPBN website hosting to GLSuite**
- D. **Extraordinary Items/Items of Concern**

Cindy Wade reviewed the status of the Board's financial position. She will negotiate with GLSuite for delay of the payment for the website hosting conversion and report back at the next meeting. The Executive Director performance evaluation will be placed on the agenda for the March 13 meeting, however, consideration of a salary adjustment will be postponed until the June meeting. Dr. Rovetti moved to accept the financial reports as presented. Mr. Jackson seconded and the motion passed unanimously. ✓

Agenda Item 15 DISCUSSION/APPROVAL OF EXECUTIVE DIRECTOR REPORTS:

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

Ms. Wade provided updates to the reports since they were published.

Agenda Item 8 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 08-29S**

Investigating Board Member Dr. David Rovetti described the nature of the complaint and its current status. Dr. Davis moved that resolution of this complaint be postponed until Dr. Rovetti can make contact with the doctor who has moved out of state. Mr. Jackson seconded and the motion passed with all in favor except Dr. Rovetti, who recused as the IBM.

B. Complaint 09-01S

Investigating Board Member Dr. Ian Yamane described the nature of this complaint and recommended dismissal because the billing issue has been resolved between the doctor and complainant. Dr. Colucci moved to dismiss the complaint. Mr. Jackson seconded and the motion passed with all in favor except Dr. Yamane who recused as IBM.

C. Complaint 09-31S

Investigating Board Member Dr. Margaret Colucci described the nature of this complaint and recommended dismissal because no violations were detected. Dr. Rovetti moved to dismiss the complaint and Mr. Jackson seconded. The motion passed with all in favor except Dr. Colucci who recused as IBM.

D. Complaint 10-1S

Investigating Board Member Paul Jackson described the nature of this complaint and recommended it be dismissed because there was no evidence to support this claim. Dr. Colucci made a motion to dismiss the complaint and Dr. Nolle seconded. Following discussion, Dr. Colucci amended her motion and Dr. Nolle seconded the amended motion to include that a letter of instruction be sent to the doctor with regard to improved clarification of his advertised offerings. The amended motion passed with all in favor except Mr. Jackson who recused as the IBM.

Agenda Item 8 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 (cont'd):

E. Complaint 10-2S

Investigating Board Member Paul Jackson described the nature of this complaint and recommended dismissal because, when contacted, the patient refused to cooperate. Dr. Rovetti moved to dismiss the complaint. The motion was seconded by Dr. Nolle and passed with all in favor except Dr. Colucci and Mr. Jackson who recused as IBM.

Agenda Item 11 Discussion/possible action regarding change in investigation/complaint process to improve timely resolutions.

Dr. Rovetti led a brainstorming discussion about ways to change the method/protocol that Board members use to investigate complaints so that the cases are resolved in a more timely manner. It was decided that a training session be held at the next meeting to go over the current written procedure and possibly make changes that would improve the goal of timely resolutions.

Agenda Item 12 Discussion/possible action regarding review of progress on drafting of new regulation for establishment of Advisory Panel for disciplinary matters.

It was agreed that further work on the Advisory Panel will be postponed until the results of the proposed refinement of the Complaint, Investigation, Agreed Settlement/Disciplinary Action Process can be assessed.

Agenda Item 13 Discussion/possible action for appointment of delegates and alternate delegates to April 28-May 2, 2010 FCLB/NBCE Annual Meetings in Baltimore, Maryland.

Dr. Nolle moved to appoint Dr. Davis as the FCLB Delegate and NBCE Alternate Delegate, and Dr. Colucci as the NBCE Delegate and FCLB Alternate Delegate. Dr. Rovetti seconded the motion and it passed with all in favor. Note: Later in the meeting it was agreed that Dr. Yamane should also attend the Annual Meetings. Dr. Colucci moved for Dr. Yamane to be appointed the Alternate Delegate for both the FCLB and NBCE. Dr. Davis seconded and the motion passed with all in favor.

Agenda Item 17 Report on FARB Forum.

Dr. Colucci reported on the highlights of the FARB Forum that she attended in January in Las Vegas.

Agenda Item 18 Correspondence Report.

There was no discussion regarding this report.

Agenda Item 21 Public Comment.

There was no public comment.

Agenda Item 19 Retreat: Discussion re: public and the professional perception of CPBN.

There was agreement that the Board's focus must be on protection of the public. There was some discussion about the recent Medical Board issues that have affected the public perception of the health care boards. The Board's office and staff need to be aware that the public perception is usually initiated through calls to the Board's office. Mr. Jackson recommended that the Board "go green," starting with sending the agendas to Board Members on flash drives. The subject for the March 13 Retreat will address the profession's perception of CPBN.

Agenda Item 5 Discussion/possible action regarding motion to Dismiss Complaint/Administrative hearing/approval of agreed settlement in the matter of Jason Inera, DC, License No. B788, Complaint No. 09-19S (cont'd)

Ms. Foley and Ms. Daehnke announced that they have agreed on possible terms and conditions of a settlement in this matter which would include a letter of instruction to Dr. Inera that he should not charge late fees but may go to collection after 90 days, and that he may charge a fee for appointment cancellations only if cancelled within one hour rather than 24 hours; that he take and pass the National Board Ethics/Boundaries examination on-line and attend on-line six hours of continuing education on the subject of billing; and that he be required to reimburse a portion of the Board's costs in the amount of \$1,500 within 30 days. Following discussion, it was proposed that the letter of instruction include that Dr. Inera must communicate with his patients regarding his charges for their treatment and that he must handle any billing issues with his patients immediately. Dr. Nolle moved for approval of the proposed settlement with the Board's proposed amendments. Dr. Davis seconded the motion. Following discussion, Dr. Nolle withdrew his motion. However, after further discussion Dr. Nolle reinstated his motion and called for the vote. The motion did not pass with Drs. Davis and Nolle in favor, Drs. Colucci and Yamane and Mr. Jackson opposed, Investigating Board Member Dr. Rovetti recused and Ms. Mercer absent due to a prior commitment.

Following a recess, further discussion ensued. Mr. Jackson then moved to continue with the hearing for a determination of the Board. There was no second and the motion died. After further discussion, it was agreed that the previously proposed terms and conditions be amended to require that the Board's costs be reimbursed within six months in the amount of \$4,000 in lieu of taking and passing the National Board Ethics/Boundaries examination. Dr. Nolle so moved and Mr. Jackson seconded the motion. The motion passed with all in favor except Dr. Rovetti who recused and Ms. Mercer who was not present.

Agenda Item 16 Election of CPBN officers.

Dr. Yamane declared his appreciation of having served as CPBN President the past few years and opened nominations for President. Dr. Yamane nominated Dr. Colucci and Dr. Rovetti nominated himself. Dr. Colucci was elected President with Drs. Colucci, Davis, Nolle, Rovetti and Yamane and Mr. Jackson voting in favor and no one opposed. Dr. Yamane opened nominations for Vice President. Mr. Jackson nominated Dr. Davis and Dr. Rovetti nominated himself. Dr. Davis was elected Vice President with Drs. Colucci, Davis and Yamane and Mr. Jackson in favor of Dr. Davis and Drs. Rovetti and Nolle in favor of Dr. Rovetti. Dr. Yamane opened nominations for Secretary. Dr. Davis nominated Dr. Rovetti who was elected Secretary with all in favor.

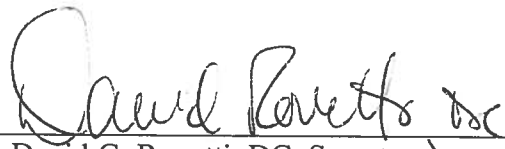
Agenda Item 20 Board Member Comments

There was discussion regarding the Board's interest in a possible change of attorneys to afford representation in both the north and south. This matter will be addressed at the March 13 meeting in Reno.

Agenda Item 22 Adjournment

Dr. Yamane moved to adjourn the meeting. Dr. Nolle seconded and the motion passed unanimously.

Approved: March 13, 2010



David G. Rovetti, DC, Secretary