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Member
JACK NOLLE, DC
Member
CINDY WADE
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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board was held on Saturday, March 13, 2010 in Suite B111 at 4600 Kietzke Lane, Reno, Nevada 89502. The following Board members were present at 9:30 AM for the roll call:

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

Also present were Gina C. Session, Chief Deputy Attorney General, and CPBN Executive Director, Cindy Wade. Consumer Member Paul Jackson arrived at 11:05 AM.

Dr. Colucci determined that a quorum was present and called the meeting to order. Shell Mercer led those present in the Pledge of Allegiance.

Dr. Colucci welcomed new Consumer Member Shell Mercer.

Agenda Item 1 Approval of Agenda

Dr. Yamane moved for approval of the agenda. Dr. Davis 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 approval of previous minutes: February 20, 2010.

Dr. Yamane moved that the February 20, 2010 minutes be approved. Dr. Nolle seconded the motion and it passed unanimously.

Agenda Item 4 Discussion/possible action regarding voluntary surrender of License No. B76, Lee Reiersen, DC, Complaint No. 07-36.

Ms. Session gave a brief overview of this case and presented the proposed agreement for voluntary surrender of Dr. Reiersen's license which has been signed by him. Dr. Yamane moved to accept Dr. Reiersen's voluntary surrender of his license. The motion was seconded by Dr. Nolle and passed with all in favor.

Agenda Item 5 Discussion/possible action regarding administrative hearing/approval of proposed agreed settlement in the matter of Clyde Porter, DC, License No. B115, Complaint No. 09-12N.

Dr. Porter and his attorney, William Cobb, were present. Deputy Attorney General Daniel Ebihara was present by telephone as Board Counsel for this matter. Gina Session presented the terms and conditions of the proposed Agreed Settlement which has been agreed to by Dr. Porter and Mr. Cobb. Investigating Board Member Dr. David Rovetti expressed his approval of the proposed agreement. Ms. Mercer moved to approve the Agreed Settlement. Dr. Yamane seconded. The motion passed with all in favor except Dr. Rovetti who recused because he is the IBM, and Dr. Davis recused because Dr. Porter is his chiropractor.

Agenda Item 6 Discussion/possible action regarding Motion for Reconsideration in the Matter of David B. Cohen, DC, License No. B407.

Dr. Colucci read for the record a letter of withdrawal of the Motion for Reconsideration from Dr. Cohen's attorney, Jeffrey D. Andrews, DC, Esq. Therefore, this matter was not addressed.

Agenda Item 12 Discussion/possible action regarding requests from Drs. Dean E. Ward and Stephanie Youngblood for consideration as Compliance Monitors for CPBN.

The resumes of Drs. Dean E. Ward and Stephanie Youngblood were reviewed. Dr. Davis made a motion to table this matter. The motion died for lack of a second. After further discussion, Dr. Davis made another motion to table this matter which was seconded by Dr. Yamane. The motion did not pass with everyone opposed.

Agenda Item 7 Discussion/possible action regarding assignment of Compliance Monitor for David B. Cohen, DC, License No. B407.

Dr. Davis moved for approval of Dr. Stephanie Youngblood to monitor Dr. Cohen's compliance. Dr. Yamane seconded and the motion passed with all in favor.

Agenda Item 8 Discussion/possible action regarding the following topics as submitted by the Nevada Chiropractic Association:

E. Preceptorship in Nevada

Currently chiropractic college undergraduates who wish to attain their final clinical hours in a Nevada licensee's practice must apply to work as Chiropractor's Assistants until they have graduated. NCA President Dr. James Overland was present and requested the Board consider revising NRS 634.105 to allow for a preceptorship program. Dr. Nolle moved that the relative statute and regulation be reviewed for possible modification that would allow undergraduates to practice chiropractic without performing adjustments. Dr. Davis seconded and the motion passed with all in favor. Dr. Overland will provide proposed language.

Agenda Item 8 Discussion/possible action regarding the following topics as submitted by the Nevada Chiropractic Association (cont'd):

D. Lien Privilege Legislation

Dr. Overland represented that the NCA wishes to modify NRS 634 or preferably, the statutes for all Nevada health care fields, with respect to lien privilege. Ms. Berkley requested that proposed language be provided before the Board considers making a decision. Dr. Rovetti stated that the proposal does not address protection of the public and moved that this matter be tabled. Dr. Yamane seconded the motion and it passed with all in favor.

C. Chiropractic Discrimination in Nevada

Dr. Overland requested assistance from the CPBN in dealing with this problem as he has had no response from Legislators. This does not appear to be a public safety issue and Dr. Rovetti moved that it be tabled. Dr. Yamane seconded the motion and it passed unanimously.

B. NCA/CPBN Communication

Dr. Overland stated he was offended by a message in the Board's last Newsletter asking that communications intended for the Board be submitted to the Board's office rather than through direct contact with Board members. Dr. Yamane mentioned that Dr. Overland had previously addressed this issue by letter to the Board to which Dr. Yamane had responded. Ms. Wade explained that other boards experience the same problem and address it in the same manner. There was no action taken.

A. Chiropractic Assistant Program and Certification

Dr. Overland described the Tennessee CA certification and CE programs and recommended the book for CAs that is published by the Tennessee professional association. The Tennessee association examines the CAs and refers those who passed to the Board. The NCA wishes to be considered for administration of a similar process. The NCA recommends establishment of a CE requirement for CAs and wishes to be considered to monitor the CE program with reporting to the CPBN. Mr. Jackson made a motion to add Dr. Nolle to the Test Committee which should conduct a study of the possibility of formalization of a CA course to include adopting the Tennessee book for study material. Dr. Yamane seconded and the motion passed unanimously. The committee should communicate with the NCA. Any committee meetings could be held back-to-back with Board meetings and must be agendaized in accordance with the Open Meeting Law.

Agenda Item 9 PUBLIC WORKSHOP to consider amendments to Nevada Administrative Code 634.

Paula Berkley distributed copies of the proposed regulations as edited by LCB.

The proposed revisions to NAC 634.305 Examination for certification as chiropractor's assistant were addressed with public comment from Dr. Overland and Dr. Rick Hallgren.

The proposed revisions to NAC 634.385 Continuing education of licensees were addressed and proposed changes noted. Dr. Nolle will write a policy for clarification of CE criteria.

The following was addressed out of order for the convenience of those present at 1:30 PM:

Agenda Item 14 Discussion/possible action regarding prosecuting attorney position:

A. Interviews with prospective attorneys

Interviews were conducted with attorneys Louis Ling, Elizabeth Foley and Brian Irvin and Jesse Wadhams of Jones Vargas. Mr. Jackson disclosed that he is acquainted with Mr. Wadhams.

Agenda Item 14 Discussion/possible action regarding prosecuting attorney position (cont'd):

B. Selection of Prosecuting Attorney

Dr. Rovetti moved that Mr. Ling be hired as a CPBN employee at \$100 per hour for a six-month probationary period to be established by written employment agreement with a review at the end of the six-month period. Dr. Nolle seconded the motion. The motion passed with Drs. Colucci, Davis, Nolle and Rovetti in favor and Dr. Yamane, Mr. Jackson and Ms. Mercer not in favor. ✓

Agenda Item 9 PUBLIC WORKSHOP to consider amendments to Nevada Administrative Code 634 (cont'd).

The proposed revisions to NAC 634.435 Health care records were addressed with public comment from Gina Crown and Dr. John Dudley.

The proposed revision to NAC 634.556 Advertisement of fees was addressed.

Numerous written public comments were read and are attached for the record.

Agenda Item 15 Review of Affiliated Monitors, Inc., material for consideration of approval as auditors of compliance programs.

Dr. Yamane made a motion to invite Affiliated Monitors to make a presentation to the Board at the next meeting. Mr. Jackson seconded the motion and it passed unanimously.

Agenda Item 11 Discussion/possible action for granting of Chiropractor's Assistant certificates to applicants who passed the February 26, 2010 examinations.

Dr. Nolle moved to grant CA certificates to the applicants who passed the February 26, 2010 CA examination. Dr. Rovetti seconded and the motion passed with all in favor.

Agenda Item 10 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: Complaint No. 09-15S.

Dr. Davis withdrew this matter. It will be addressed at the May 15, 2010 meeting.

Agenda Item 13 Discussion/possible action regarding investigation/complaint procedure:

A. Approval of proposed revisions pursuant to legislative change to NRS 634.190(2)(f).

B. Complaint-handling training:

- 1. Review of current procedures and protocol**
- 2. Discussion of goals/desired outcomes for complaint process**
- 3. Discussion/approval of changes to current procedures and protocol**

The current procedure should be revised to include the legislative change. The established procedure is effective when strictly followed.

Agenda Item 16 DISCUSSION/APPROVAL OF BOARD FINANCIAL STATUS REPORT:

- A. Bank balance as of March 1, 2010**
- B. Income/Expense Report: July 1, 2009 through March 1, 2010**
- C. Accounts Receivable as of March 1, 2010**
- D. Accounts Payable as of March 1, 2010**
- E. Extraordinary Items/Items of Concern**

There was no discussion or comment.

Agenda Item 17 Discussion/approval of Executive Director reports:

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

There was no discussion or comment.

Agenda Item 18 Review/determination of performance evaluation of Executive Director.

The evaluation sheets were not submitted as requested. This matter will be addressed at the next meeting.

Agenda Item 19 Determination of dates for next meetings/exams:

A. Next Board Meeting

There will be a conference call meeting for approval of the Board's Legislative bill at 1:00 PM on Friday, April 23, 2010. The next Las Vegas meeting will be scheduled for Friday and Saturday, May 14 and 15, 2010.

B. Next CA Exams

The next CA examinations will be administered on August 13, 2010.

Agenda Item 20 Correspondence Report.

There was no discussion or comment.

Agenda Item 21 Retreat: Discussion re: professional perception of CPBN.

This matter was not addressed.

Agenda Item 22 Board Member Comments.

There was no discussion or comment.

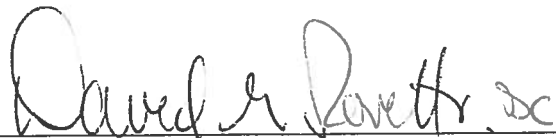
Agenda Item 23 Public Comment.

There was no public comment.

Agenda Item 24 Adjournment

Paul Jackson moved for adjournment. Dr. Yamane seconded and the motion passed unanimously.

Approved: May 15, 2010



David G. Rovetti, DC, Secretary