

BRIAN SANDOVAL
Governor
DAVID G. ROVETTI, DC
President
BENJAMIN LURIE, DC
Vice President
JACK NOLLE, DC
Secretary-Treasurer

STATE OF NEVADA



LAWRENCE DAVIS, DC
Member
ANNETTE ZARO, DC
Member
TRACY DiFILLIPPO, ESQ
Consumer Member
SHELL MERCER, ESQ
Consumer Member

CINDY WADE
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

4600 Kietzke Lane, Suite M245
Reno, Nevada 89502-5000
Telephone (775) 688-1921

Website: <http://chirobd.nv.gov> Fax (775) 688-1920 Email: chirobd@chirobd.nv.gov

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board of Nevada was held on Saturday, October 13, 2012 in Conference Room I204 of Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502.

The following Board Members were present at the roll call at 9:45 AM:

David G. Rovetti, DC, President
Benjamin S. Lurie, DC, Vice President
Lawrence Davis, DC, Member
Annette Zaro, DC, Member
Tracy DiFillippo, Esq., Consumer Member
Shell Mercer, Esq., Consumer Member

Also present were Board Counsel Louis Ling and Executive Director Cindy Wade. Secretary-Treasurer Jack Nolle, DC, arrived at 10:02 AM.

A quorum was present and Dr. Rovetti called the meeting to order. Shell Mercer led those present in the Pledge of Allegiance and stated the purpose and mission of the Board. Dr. Rovetti established that the next meeting will be on January 12, 2013 with the location yet to be determined.

Agenda Item 1 Public Interest Comments - No action.

James Overland, Sr., DC, commented on the success of the NCA Annual Meeting. He announced that the NCA declared Dr. Lawrence Davis Chiropractor of the Year and presented him with a plaque.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Lurie moved for approval of today's agenda. Ms. DiFillippo seconded the motion and it passed unanimously.

Agenda Item 3 Approval of Consent Agenda – For possible action

CONSENT AGENDA

Agenda Item 4 Approval of September 11, 2012 minutes – For possible action.

Agenda Item 5 Ratification of granting of DC licenses to applicants who passed the September 12 and October 10, 2012 examinations – For possible action

Agenda Item 6 Approval of financial reports – For possible action

- A. Cash position report
- B. Income/Expense Report: July 1 through September 30, 2012
- C. Accounts Receivable as of September 30, 2012
- D. Accounts Payable as of September 30, 2012
- E. Final Income/Expense Reports for fiscal year 2011/12
- F. Extraordinary items

Dr. Lurie moved for approval of the Consent Agenda. Ms. DiFillippo seconded the motion and it passed unanimously.

REGULAR AGENDA

Agenda Item 7 Appeal of denial of application for CA certification of Cecilia Soares – For possible action

Ms. Soares and her supervising chiropractor, Dr. Arthur Rossi, were present. Cindy Wade explained that she denied Ms. Soares's application because her arrest and conviction for misdemeanor attempted theft were not disclosed on her application. Ms. Soares testified regarding the circumstances of her arrest and conviction and why she didn't disclose the information on her application. Dr. Rossi testified in support of Ms. Soares. They responded to questions from the Board members. Louis Ling presented the Board's options for resolution of this matter. Dr. Davis made a motion to deny Ms. Soares's application without prejudice. Dr. Lurie seconded and the motion passed with all in favor. Ms. Soares was informed that she may reapply and she must provide complete and accurate information.

Dr. Rovetti recused from the following matter because he is the Investigating Board Member and turned the Chair over to Vice President Dr. Lurie.

Agenda Item 8 Approval of proposed Settlement Agreement in the matter of Daniel Brady, DC, License No. B1391 – For possible action

Dr. Brady was present. Dr. Lurie requested Mr. Ling to review the background of this matter. He presented the terms and conditions of the proposed Settlement Agreement. Dr. Rovetti cited his timeline of the events relevant to this case. Dr. Brady testified regarding his California disciplinary action. He stated he will be petitioning the California board for mitigation of their action. Dr. Brady responded to questions from Board members. Dr. Nolle made a motion to approve the proposed Settlement Agreement. Ms. Mercer seconded the motion. Conclusion of this matter was postponed while Dr. Brady reviewed the proposed agreement.

Dr. Rovetti resumed the Chair.

Agenda Item 9 PUBLIC HEARING for adoption of proposed amendments to Nevada Administrative Code 634 regarding preceptorships - For possible action

Dr. Rovetti requested that Louis Ling conduct the public hearing. NCA President Dr. James Overland, Sr., Dr. Xavier Martinez and NCA lobbyist Marlene Lockard were present. Mr. Ling explained why it became necessary to hold another hearing for adoption of the preceptor regulations.

Ms. Lockard and Dr. Overland made public comment regarding the amendments to the proposed regulation. Dr. Lurie has worked with the Board's lobbyists, Ms. Lockard and Dr. Overland to put together the proposed language regarding "disqualifying discipline" of potential preceptors that is now agreeable to all concerned parties. After conclusion of the public comment, Dr. Zaro made a motion to approve the proposed amended regulation with the word "may" changed to "shall" in Sec. 7, No. 3. Dr. Davis seconded the motion. Ms. Mercer proposed that the wording in Sec. 7, No. 2 be changed from "...must have *not less than* 5 years of experience..." to "...must have *at least* 5 years of experience..." Dr. Zaro and Dr. Davis accepted Ms. Mercer's recommendation as a friendly amendment to the motion. The motion passed with all in favor.

Vice President Dr. Lurie assumed the Chair for resumption of the following matter.

Agenda Item 8 Approval of proposed Settlement Agreement in the matter of Daniel Brady, DC, License No. B1391 – For possible action (cont'd)

Dr. Lurie reminded that the motion on the table was to approve the proposed settlement agreement. Dr. Brady stated that he understands and accepts the terms and conditions of the proposed agreement. After discussion, the motion passed with Drs. Lurie, Nolle and Zaro and Ms. DiFillippo and Ms. Mercer in favor, Dr. Davis recused because he has a business relationship with Dr. Brady, and Dr. Rovetti recused because he was the Investigating Board Member in this matter.

Agenda Item 10 Employee evaluations – For possible action

A. Staff Attorney

B. Executive Director

This matter was postponed until later.

Agenda Item 11 Review of Board's proposed 2013 legislative bill - For possible action

Several housekeeping recommendations were reviewed and approved. Sections 5, 6 and 9 were discussed but no changes were made.

Agenda Item 13 NCA report – No action

Dr. Overland stated that the NCA has no objection to the Board's BDR. Some of the wording in Sec. 2, No. 4, and Sec. 9 was discussed. The NCA has not yet decided if they will submit any bills at the 2013 Legislature. Dr. Overland requested, and Dr. Lurie agreed, that he will be kept informed of any changes to the Board's bill. Dr. Lurie requested the same if the NCA has a legislative bill and Dr. Overland agreed. Ms. Lockard reported on the progress to date of the implementation of the Silver State Exchange.

Agenda Item 12 Consideration of potential additions, deletions and/or amendments to NAC chapter 634 – For possible action

The latest draft of the proposed regulation changes was reviewed. The issue of ownership of a chiropractic practice should be addressed the next time a statutory change bill is considered.

Agenda Item 14 Approval of proposed request for AGO – For possible action

There were no suggested changes to the drafted letter. Dr. Lurie moved to proceed with the AGO request as written. Dr. Zaro seconded and the motion passed with all in favor.

Agenda Item 15 Request for approval of CBP certification and diplomate programs for advertising purposes under NAC 634.550 – For possible action

This matter was deferred for presentation at a future meeting.

Agenda Item 16 Appeal of denial of application for reinstatement of DC license No. B510 of Eric Sabol, DC – For possible action

Dr. Sabol was present by speakerphone. Dr. Zaro disclosed that she provided coverage for Dr. Sabol in the past. Dr. Sabol described his current circumstances with respect to his student loan and child support arrears. He has an opportunity to begin practicing in Las Vegas immediately if his license is reinstated. He responded to questions from Board members. Dr. Rovetti moved to reinstate Dr. Sabol's license on a temporary basis until July 1, 2013 at which time he will need to be current on his child support and student loan obligations. Dr. Nolle seconded. The motion passed with all in favor. Dr. Sabol was reminded that he must pay the \$700 renewal fee for the current year to begin practicing, and an additional \$700 for 2013-14 will be due by December 31, 2012.

Agenda Item 17 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

A. Complaint 10-13S

Dr. Davis reported that work on this investigation is ongoing.

B. Complaints 11-8S

Dr. Zaro stated that this investigation is still pending.

C. Complaint 11-9S

Dr. Nolle reported that this complaint was filed anonymously. He found no evidence of unethical business networks as alleged. He recommended the complaint be dismissed with a letter of caution that the Board was made aware of the allegations and if another complaint of a similar nature is received this complaint may be reopened. Dr. Zaro so moved, Ms. DiFillippo seconded and the motion passed unanimously.

D. Complaint 11-11S

Dr. Zaro reported that this investigation is still pending.

E. Complaint 11-21S

Ms. Mercer reported that this investigation is still pending.

F. Complaint 12-04S

Ms. Mercer reported that this investigation is still pending.

G. Complaint 12-10N

Dr. Rovetti presented a hypothetical scenario to describe this complaint. The Board agreed that he should pursue this investigation.

H. Complaint 12-11S

This complaint has been combined with **J. Complaint 12-13** and **L. Complaint 12-17** as they all concern charges against the same DC. Dr. Lurie is investigating the allegations.

I. Complaint 12-12S

Dr. Lurie has investigated this complaint and determined that it is a malpractice issue. Mr. Mercer moved to dismiss Complaint 12-12S. Dr. Zaro seconded and the motion passed with all in favor.

K. Complaint 12-15S

Dr. Lurie is investigating this complaint. He has met with the DC and is attempting to contact the complainant. It should be ready for resolution at the next meeting.

Dr. Rovetti turned the Chair over to Vice President Dr. Lurie for the next agenda item.

Agenda Item 18 Approval of request to be self-sponsor for continuing education seminars – For possible action

Dr. Rovetti requested to be a self-sponsor for the two seminars that he presents every few years on the subjects of referral sources and impairment ratings. He suggested that this could be on a probationary or time-limited basis. There was discussion about oversight and the appearance of being self-serving. Dr. Zaro moved to deny Dr. Rovetti's request. Ms. Mercer seconded. The motion passed with Drs. Nolle, Davis and Zaro and Ms. Mercer in favor, Dr. Lurie and Ms. DiFillippo not in favor, and Dr. Rovetti recused.

Dr. Rovetti resumed the Chair.

Agenda Item 10 Employee evaluations – For possible action

- A. Staff Attorney**
- B. Executive Director**

Dr. Nolle presented the results of the Board Members' evaluations. The evaluations for both Mr. Ling and Ms. Wade indicated "outstanding" and "exceeds expectations" in almost every category. He quoted the comments which were very complimentary.

Agenda Item 19 Board Counsel Report – No action

This matter was postponed until later.

Agenda Item 20 Executive Director Report – For possible action

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

This matter was postponed until later.

Agenda Item 21 Committee reports – No action

- A. Continuing Education Committee – Dr. Nolle**

Dr. Nolle has received some requests from licensees for retroactive approval of CE hours, some of which may not even be within the chiropractic scope of practice. It was agreed that the general rule is that CE seminar applications are not approved retroactively.

- B. Legislative Committee – Dr. Lurie**

Dr. Lurie met with CPBN lobbyists, Marsha Berkgigler and Mendy Elliott, NCA lobbyist Marlene Lockard, and Louis Ling in Reno on September 24 to resolve the issues with the preceptorship regulations. He indicated that he is willing to come to Reno any time he is needed with respect to legislative issues. Mendy Elliott commented that AB455 regarding treatment of sports post-concussion syndrome in the 2011 legislative session did not include chiropractors. The Board agreed that this is a scope of practice issue. Mendy and Marsha will look for an opportunity to have chiropractic included during the 2013 Legislature. Dr. Lurie will contact legislators about this.

- C. Test Committee – Dr. Zaro**

Dr. Zaro is rewriting the DC law test in preparation for online testing if the Legislature approves the statutory change.

Agenda Item 22 Appointment of committee and Chair for administration of preceptorship program – For possible action

The Preceptorship Committee Chair will review all applications for approval/disapproval. Dr. Lawrence Davis was appointed to Chair the Preceptorship Committee.

Agenda Item 23 Selection of Board members to attend FARB Forum in San Diego January 25-27, 2013 – For possible action

Shell Mercer volunteered to attend the FARB Forum without payment of the \$150 per day salary. Dr. Davis made a motion for Ms. Mercer to represent the Board at the FARB Forum in January. Dr. Lurie seconded and the motion passed unanimously.

Agenda Item 24 Report on September 21-22 FCLB Regional Meeting – No action

Tracy DiFillippo and Drs. Lurie and Zaro verbally reported on their attendance at the FCLB Regional Meeting. Important issues were chiropractic franchise/practice ownership, scope of practice disparities between the ACA and ICA, online course monitoring, exemptions from CE requirements for spouses of military personnel, etc. Dr. Lurie mentioned that former Board member Dr. Maggie Colucci, who is the District IV Regional Director, is putting on a silent auction at the Annual Meeting in May, 2013 for the benefit of FCLB.

Agenda Item 19 Board Counsel Report – No action

Louis Ling reported that the attorney for Drs. Nassiri and Johnson did not agree to the Supreme Court process and are now pursuing the regular appeal process. This could take as much as two years.

Agenda Item 20 Executive Director Report – For possible action

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

Cindy updated the Board on the recent staff change in the office and her plans to find a replacement. Ronda Moore is providing excellent assistance in the meantime. The goal was to start up the renewal process on October 15 but there was a snag caused by the change in our database to establish one-year CA renewals for this year only. This should be resolved within a week.

Agenda Item 25 CPBN Strategic Planning – For possible action

This matter was postponed for lack of time.

Agenda Item 26 Correspondence Report – No action

There was no correspondence of note to report.

Agenda Item 27 Board Member Comments – No action

Dr. Zaro commented that she is very proud of the work that has been accomplished on the preceptorship bill and she plans to make a presentation of the results at the next FCLB meeting. Dr. Lurie stated that he is only one voice in the legislative process and requested other Board members to participate and reach out to the legislators. Dr. Rovetti will be available to attend legislative sessions on Tuesdays and Thursdays. Dr. Nolle complimented Consumer Members Shell Mercer and Tracy DiFillippo on their active involvement with the Board, and all others concurred. Dr. Davis was congratulated for his award of NCA Chiropractor of the Year.

October 13, 2012 Meeting Minutes

The next meeting will be on January 12, 2013. The location will depend on which settlement agreements and/or hearings are on the agenda.

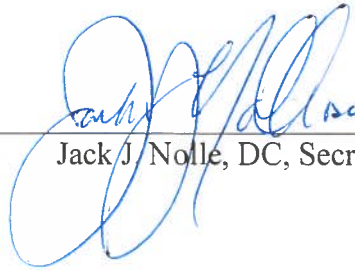
Agenda Item 28 Public Comment – No action

There was no public comment.

Agenda Item 29 Adjournment – For possible action

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

Approved: January 12, 2013



Jack J. Nolle, DC, Secretary-Treasurer