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*Member*  
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*Consumer Member*  
SHELL MERCER, ESQ  
*Consumer Member*  
  
CINDY WADE  
*Executive Director*

**CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

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**MINUTES OF MEETING**

A meeting of the Chiropractic Physicians' Board of Nevada was held on Saturday, April 6, 2013 in Conference Room I204 of Kietzke Plaza, 4600 Kietzke Lane, Reno, Nevada 89502.

The following Board Members were present at the roll call at 9:15 AM:

Lawrence Davis, DC, Member  
Tracy DiFillippo, Esq., Consumer Member  
Benjamin Lurie, DC, Vice President  
Jack Nolle, DC, Secretary-Treasurer  
David Rovetti, DC, President  
Annette Zaro, DC, Member

Also present were Board Counsel Louis Ling and Executive Director Cindy Wade.

President Dr. Rovetti determined that a quorum was present and called the meeting to order. Dr. Lawrence Davis led those present in the Pledge of Allegiance and stated the purpose and mission of the Board.

**Agenda Item 1 Public Interest Comments - No action.**

There was no public comment.

**Agenda Item 2 Approval of agenda – For possible action.**

Tracy DiFillippo moved to approve the agenda. Dr. Lurie seconded the motion and it passed unanimously.

**Agenda Item 3 Approval of Consent Agenda – For possible action**

**CONSENT AGENDA**

**Agenda Item 4 Approval of January 12 and March 12, 2013 minutes – For possible action.**

**Agenda Item 5 Ratification of granting of DC licenses to applicants who passed the examinations on March 13, 2013 – For possible action**

**Agenda Item 6 Ratification of granting of CA certificates to applicants who passed the examinations on March 1, 2013 – For possible action**

Dr. Rovetti moved to approve Agenda Items 4, 5 and 6 of the Consent Agenda. Dr. Nolle seconded and the motion passed with all in favor.

**Agenda Item 7 Request from Jason Ramos, DC, for reconsideration of staff denial of 2012 continuing education credits – For possible action**

Cindy Wade explained that she denied the 36 hours of online continuing education submitted by Dr. Ramos because the transcript showed that his attendance did not meet the attendance requirement of 50 minutes of each hour under NRS 634.385(2)(d). This was verified by the sponsor's audit results. Dr. Ramos was present and explained that he misunderstood the rules. He presented his program for a Masters degree in Kinesiology for the Board's consideration. CE Chair, Dr. Jack Nolle, stated that Dr. Ramos is bound by the rules and it is evident he didn't spend the proper time to be approved for credit. He moved that the Board uphold the staff denial of the online hours submitted by Dr. Ramos and that he be allowed to retake the 36 hours with issuance of his 2013/14 renewal contingent upon submitting 36 verifiable hours. Dr. Davis seconded the motion. The motion passed with all in favor except Ms. DiFillippo who was opposed.

**Agenda Item 8 Approval of proposed Settlement Agreement in the matter of Laura Harmon, DC, License No. B1356 – For possible action**

Dr. Rovetti announced that there is no settlement with Dr. Harmon. This matter will likely go to hearing in September or October.

**Agenda Item 9 Approval of exception to CPBN Policy No. 18 pursuant to proposed Settlement Agreement under Agenda Item 10 – For possible action**

This matter was not addressed; see Agenda Item 10.

**Agenda Item 10 Approval of proposed Settlement Agreement in the matter of Paul G. Smith, DC, License No. B175 – For possible action**

Dr. Smith notified Dr. Zaro that he has decided to continue to maintain his license on inactive status at this time. The Settlement Agreement will be addressed when and if Dr. Smith applies for activation of his license.

**Agenda Item 11 Legislative Lobbyist Report – For possible action**

CPBN Lobbyists Marsha Berkbigler and Peter Krueger reviewed and discussed with the Board the status of the various bills they are tracking. SB198 was amended with Dr. Lurie's changes and Dr. Overland's concurrence. Dr. Lurie commended the lobbyists for the fantastic job they are doing.

**Agenda Item 12 Discussion and determination regarding AB73 – For possible action**

Dr. Lurie stated that AB73 is being amended to remove Sections 1 and 10, and is expected to pass. Louis Ling commented on the amount of prep work, time and effort Dr. Lurie has expended on legislative matters and at the Legislature on the Board's behalf.

**Agenda Item 13 Discussion and determination regarding SB198 – For possible action**

Dr. Lurie reported that he presented to NCA President Dr. James Overland a list of the Board's concerns regarding the provisions of SB198. They subsequently met and agreed on the language for the amendment to Section 5. Dr. Lurie read for the record a letter from former CPBN President Dr. Margaret Colucci stating her opposition to SB198. It is appended to these minutes.

After considerable discussion, Dr. Rovetti made a motion that the Board assume a neutral position regarding SB198. Dr. Lurie seconded. The motion failed to pass with Drs. Davis and Rovetti in favor and Drs. Lurie, Nolle and Zaro and Ms. DiFillippo opposed. Dr. Zaro moved to oppose SB 198 and Ms. DiFillippo seconded. The motion did not pass with Ms. DiFillippo and Drs. Lurie and Zaro in favor and Drs. Davis, Nolle and Rovetti opposed.

Louis Ling advised, "They (*the Legislature*) would listen to you if you were opposed.....you could still continue to work with Dr. Overland to make sure something weird, or worse, doesn't happen. If you go in neutral, you're still neutral, which means you still have the right to express your concerns if someone starts to mess around with this bill when it gets to the other side. Right now you know what the bill looks like, you can see it, including the amendment. If you can't decide what you want to do then at least be neutral. Our lobbyist has to know the position of the Board that she can represent.

"A lot of your concerns today could be directly addressed by regulation so if this passes you've given yourself that latitude by the way the amendment came out. So you would have the ability to address a lot of the concerns you are raising today. The regulation process took us how long last time to write regulations for the preceptorship last year? It will take some time for you guys to work your way through writing the regs. If you oppose this there is a risk of....you may not care....that's something you as a board have to decide."

After further discussion, Dr. Lurie moved that the Board should be neutral with concerns with respect to SB198. Dr. Rovetti seconded. The motion passed with Drs. Davis, Lurie, Nolle and Rovetti in favor and Dr. Zaro and Ms. DiFillippo opposed.

**Agenda Item 14 Consideration of potential additions, deletions and/or amendments to NAC chapter 634 – For possible action**

There was discussion but no action taken with regard to a new regulation proposed by Dr. Rovetti.

**Agenda Item 15 NCA report – No action**

Dr. James Overland reported that SB335 was passed out of committee and it is likely to pass in the Senate. He commented on the status of the Silver Exchange bills and SB198. Dr. Lurie inquired if the NCA has any bills coming up that the Board has not been informed of. Dr. Overland replied that the NCA might address UM or UIM, but there is nothing definite at this time.

**Agenda Item 16 Financial status report – No action**

- A. Current cash position**
- B. Income/Expense Budget to Actual/F/Y 2012 to 2013 Comparison**
- C. Accounts Receivable Summary**
- D. Accounts Payable Summary**
- E. Extraordinary items**

Dr. Nolle and Cindy Wade reviewed the Board's current cash position and income and expenses through February 28. Renewals were approximately 9% lower than budgeted due to the number of persons leaving the profession apparently for economic reasons. However, expenses are under budget and should more than make up the difference in net operating result.

**Agenda Item 17 Review and potential action regarding approval of continuing education credit for on-line courses offered by The Wise DC– For possible action**

Dr. Nolle tested The Wise DC security system and found that some of the previous security weaknesses that manifested in our licensees' transcripts have been eliminated. However, he also determined that some anomalies are still existent in the system that he is not comfortable with. Dr. Lurie made a motion to not accept any of The Wise DC online continuing education hours unless they are PACE approved. Tracy DiFillippo seconded and the motion passed with all in favor.

**Agenda Item 18 Request from Eric Russell, DC, for determination that qualifications of applicants graduated from New Zealand College of Chiropractic are equivalent to Nevada's academic requirements under NRS 634.090 – For possible action**

Dr. Zaro reviewed the New Zealand College of Chiropractic curriculum and determined their curriculum to be equivalent to Nevada's requirements. However, because our statute requires a "degree of doctor of chiropractic," routine acceptance of New Zealand Chiropractic College graduates will require a statutory change to add "or international equivalent." This will have to wait until the 2015 Legislature.

Louis Ling advised that under Section 2 of NRS 634.090 the Board may consider applications from graduates of foreign chiropractic colleges on an individual case-by-case basis.

**Agenda Item 19 Status report regarding anonymous profiles of possible disciplinary actions. Board action is 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 this investigation is ongoing. He anticipates it will go to hearing.

**J. Complaint 12-19S**

Dr. Davis has had no cooperation from the complainant. He sent him a letter outlining what he needs.

**N. Complaint 13-04N**

Dr. Davis is currently investigating this complaint from a patient who complained because he didn't like the way the DC managed his case.

**B. Complaint 11-8S**

Dr. Zaro reported that this case involves ongoing civil litigation. The doctor's motion to dismiss was denied and it will probably go to trial in late fall. She cannot resolve this matter until the civil case is concluded.

**C. Complaint 11-11S**

This complaint was addressed under Agenda Item 10.

**K. Complaint 12-20S**

This case involves billing issues and Dr. Zaro is still working on it.

**I. Complaint 12-18S**

Ms. DiFillippo stated that this is a complicated case and her investigation is ongoing.

**M. Complaints 13-02N and 13-03N**

Dr. Nolle explained that the two complaints are from one complainant against two separate doctors. It appears that one complaint cannot be substantiated and he is continuing to investigate the other one.

**D. & E. Complaints 11-21S and 12-04S**

Ms. Mercer was not present to report on her complaints.

**F. Complaint 12-10N**

This complaint was addressed under Agenda Item 8. Dr. Rovetti said there will probably be a hearing in September or October.

**O. Complaint 13-05N**

A massage therapist is reportedly performing chiropractic adjustments in the upstairs of a Reno business. The Board had a cease and desist letter served on this person with a cc to the business as well as a letter to the City of Reno Business License Department. Should she continue to perform thrust manipulations, the case may be turned over to the State Attorney General.

**P. Complaint 13-06H**

Dr. Rovetti is investigating this complaint which alleges adjustments being performed by a massage therapist at a shopping mall.

**G. Complaints 12-13S, 12-17S, 12-21S, 12-22S and 13-01S**

Notice of Charges has been filed and a hearing is set for June 1 and 2. Dr. Lurie said it may be possible to settle with four of the licensees involved, but he doesn't anticipate a settlement with the principal respondent.

**H. Complaint 12-16S**

Dr. Lurie reported that a patient complained because she received a collections notice that she felt was in error. The DC audited the patient's account and notified her that she did owe \$300 which she paid and asked that the complaint be dropped. The audit revealed that the DC was overpaid \$190 by the patient's insurance which he has reimbursed. There were also some record keeping issues which have been resolved and Dr. Lurie determined that the doctor's records are now within the standards of practice. Dr. Zaro moved to dismiss the complaint. Dr. Rovetti seconded the motion and it passed with all in favor except Dr. Lurie who recused as the Investigating Board Member.

**L. Complaint 12-23S**

Dr. Lurie stated that this licensee did not renew his license and is not practicing. He has recent convictions that he has not reported to the Board. His file will be sent to Louis for issuance of Notice of Charges.

**Agenda Item 20 Committee reports – No action**

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

Dr. Nolle stated that we need to establish in regulation a limitation on the number of online hours that may be credited for license renewal because of the abuses that have occurred. He commented that we have received applications for approval of medical seminars from UNR and University of Florida. They can be approved under the Board's established guidelines.

**B. Legislative Committee – Dr. Lurie**

Dr. Lurie reported that the lobbyists are tracking 27 bills and the next two weeks will keep everyone very busy. There should be no more problems with the Board's bill, AB73, with Sections 1 and 10 removed, or SB 198 with Section 5 amended. SB335 should also pass over to the Assembly side.

**C. Test Committee – Dr. Zaro**

Dr. Zaro commented on the abysmally low pass rate for the March 1 CA exams. She will prepare a new test for the next CA exams and is considering preparing a handbook that would help the CAs prepare for the Law test. She recommended we adopt the CCA exam that will be available soon from the FCLB, and we would then administer only the X-ray and Law tests.

**D. Preceptorship Committee – Dr. Davis**

Dr. Davis reported that there have been no more applications received since his last report at the January meeting.

**Agenda Item 21 Board Counsel Report – No action**

The Nassiri/Johnson briefs were filed and there is only one issue going before the Supreme Court. It will take 1 to 1-1/2 years for the case to be heard.

**Agenda Item 22 Executive Director Reports– For possible action**

**A. Status of Complaints Received**

**B. Status of Current Probations**

**C. Legal/Investigatory**

**D. 2013/14 Renewals Report**

Cindy Wade provided a few updates to her written reports. She advised that an unusually large number of DCs and CAs did not renew. She gave Board members a list of the 40 previously active DCs who did not renew. In addition to the online CE problems and the usual number of late renewals, there was a very high incidence of deficient CE documentation.

Staff is working with GLSuite to create a system that will require DCs and CAs to enter their own continuing education records in our system. Cindy will arrange with Brian at GLSuite to review the proposed new system with Dr. Nolle.

**Agenda Item 23 Provide voting direction to FCLB/NBCE Annual Conference delegates – For possible action**

The FCLB candidates for office are all running unopposed and voting delegate Dr. Zaro will vote for them. The NBCE voting was left up to voting delegate Dr. Davis as the Board has no issues.

**Agenda Item 24 Determination of number of CE hours to be credited for participation in FCLB/NBCE meetings, committees and examinations – For possible action**

Following discussion, Dr. Rovetti made a motion to grant 12 hours of continuing education credit to attendees at FCLB Annual and Regional Meetings, 12 hours to participants in NBCE Test Committee Meetings, and however many number of hours are reported to the Board by the NBCE for participating in the administration of the Part IV examination. Dr. Davis seconded and the motion passed with all in favor.

**Agenda Item 25 Report on meetings with Physical Therapy Board and their response to CPBN February 12, 2013 letter; determine next step – For possible action**

Dr. Lurie reported that from the last meeting with the Physical Therapy Board at their regular Board meeting in Las Vegas, they appear to be comfortable with their position regarding manipulation that, “if it isn’t disallowed in the law, they can do it.” Their attorney stated at this meeting that this is a “gray area that we should get together and figure out.” The Board will decide how to proceed as soon as we receive the PT Board’s response to Dr. Rovetti’s letter.

**Agenda Item 26 Determine date of August, 2013 CA examinations – For possible action**

Dr. Zaro’s preferred date is Thursday, July 18 and second choice is Thursday, August 29, depending on availability of testing rooms at the Community College.

**Agenda Item 27 Report on Mentor Program progress and possible approval of Board Member recommendations – For possible action**

Dr. Rovetti will adopt Ms. Mercer’s suggested changes. Licensees will be considered new if they became licensed within the past three years and mentors will be required to have been licensed for at least ten years. Mentor Program information should be provided when applicants take the Law test. This program is ready to be implemented.

**Agenda Item 28 Review for possible approval material and format for next CPBN Newsletter – For possible action**

Dr. Zaro and Ms. DiFillippo will collaborate on creating a policy for publication in the Newsletter for licensees to use in communicating with patients regarding insurance payment amounts and handling of balances due.

**Agenda Item 29 Consideration of sending "Letters of Concern," or other action(s) to licensees who are known to have reporting of unlawful activity reported in on-line ratings – For possible action**

There was no interest in pursuing this matter.

**Agenda Item 30 Establish process for handling of repeated advertising violations – For possible action**

Dr. Zaro will draft guidelines to establish disciplinary action for repeated advertising violations.

**Agenda Item 31 Report on FARB Meeting – No action**

Ms. Mercer was not present to make her report.

**Agenda Item 32 Correspondence Report – No action**

Cindy reported that she was contacted by several licensees concerned about their compliance with the parameters outlined in the advisory letter to Impairment Rating Physicians. Some favorable comments were also received.

**Agenda Item 33 Board Member Comments – No action**

Dr. Zaro thanked Louis Ling for the good job he is doing. Dr. Davis commented on the difficulties in determining the Board's position on SB198. Dr. Lurie said he appreciates everyone's assistance during the Legislature, especially Louis Ling's. Dr. Rovetti said that in the future he wants Board members to drive their own agenda items. Also, he would welcome any pro-active ideas and strategies from Board members that would help keep complaints at a minimum.

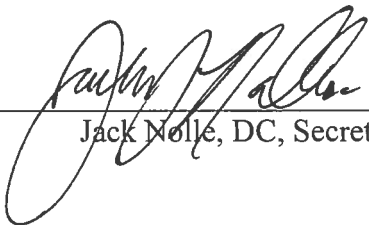
**Agenda Item 34 Public Comment – No action**

There were no public comments.

**Agenda Item 35 Adjournment – For possible action**

The meeting adjourned at 5:45 PM.

Approved: July 2, 2013

  
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Jack Nolle, DC, Secretary-Treasurer