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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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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board of Nevada was held by telephone conference call on Tuesday, August 20, 2013 at 12:00 Noon. A telephone was available for public use in Suite M245 at 4600 Kietzke Lane, Reno, NV 89502.

The following Board Members were present at the roll call:

David Rovetti, DC, President
Benjamin Lurie, DC, Vice President
Jack Nolle, DC, Secretary-Treasurer
Lawrence Davis, DC, Member
Annette Zaro, DC, Member

Consumer Members Shell Mercer and Tracy DiFillippo were not present. CPBN Staff Attorney Louis Ling and Executive Director Cindy Wade were present.

Agenda Item 1 Public Interest Comments - No action.

There were no public comments.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Davis made a motion to approve the agenda. Dr. Zaro seconded. The motion passed with all in favor.

Agenda Item 3 Review/approve Secretary-Treasurer's Income/Expense Report – For possible action

Cindy Wade stated that this matter was placed on the agenda for the Board to consider approving the air travel expense for Drs. Lurie and Zaro to attend the bill signing at the Governor's office on May 31. Dr. Nolle explained that he did not approve that portion of Dr. Zaro's expense claim because travel for the specific event was not pre-approved by the Board. Drs. Lurie and Zaro recused themselves from this matter. Mr. Ling clarified that in this instance, two out of the three remaining members would constitute a majority. Dr. Rovetti moved to approve the travel expense for Drs. Lurie and Zaro to attend the bill signing. Dr. Nolle seconded the motion. The motion passed with Drs. Davis, Nolle and Rovetti in favor and Drs. Lurie and Zaro recused. Dr. Nolle will draft a policy to cover any future situation of this nature. Travel to attend the September 18 Supreme Court hearing was addressed at a previous meeting.

Agenda Item 4 Staff evaluations – For possible action**A. Staff Attorney****B. Executive Director**

Dr. Nolle reported that evaluations were submitted by only six of the seven Board members. The average scores were high and the comments were complimentary for both Mr. Ling and Ms. Wade. Dr. Zaro moved that Cindy Wade's salary be increased by \$2,000 per year. Dr. Nolle seconded the motion and it passed with all in favor. With regard to the two "Meets Expectations" scores that she received, Ms. Wade commented that she feels there have been no problems of this nature for quite a few years and would like to know if there has been an issue since her last evaluation that she is not aware of. Mr. Ling commented that several weeks ago he resigned his employment with one of his clients and limited the scope of his work for another board. He has noticed the difference already and assured everyone that our cases will move more quickly in the future.

Agenda Item 5 Consideration of potential additions, deletions and/or amendments to NAC Chapter 634 – For possible action

Dr. Rovetti turned this matter over to Mr. Ling who briefly described the rule-making process. Each section will be addressed for the Board's up or down vote.

Section 1. Dr. Lurie moved to approve this section. Dr. Davis seconded and the motion passed unanimously.

Section 2. There was discussion with respect to the potential impact on an applicant from loss of employment for two years if caught cheating on an exam. Mr. Ling said the Board needs to consider the resulting compromised security and usefulness of the exam, and whether or not a person caught cheating should be trusted to work in a chiropractic practice. The Legislative Counsel Bureau will determine the Board's authority when they review the proposed regulations. Dr. Zaro moved to approve Section 2 as written and Dr. Rovetti seconded. The motion failed with all opposed except Dr. Zaro who was in favor. After further discussion, Dr. Davis made a motion to move this section forward with the wording changed so that a person caught cheating must immediately cease employment in any clinical capacity in a chiropractic practice. Dr. Lurie seconded and the motion passed with all in favor.

Section 3. Mr. Ling explained that the term "military leave" is broader than if it is defined with "active and inactive." Dr. Davis moved to move this section forward as written. Dr. Lurie seconded and the motion passed with all in favor.

Section 4. Dr. Lurie moved to approve Section 4. Dr. Davis seconded and the motion passed unanimously.

Section 5. Dr. Lurie moved to approve Section 5. Dr. Zaro seconded and the motion passed unanimously.

Section 6. Dr. Davis made a motion to approve Section 6 with the 5 business days changed to 15. Dr. Lurie seconded the motion. There was discussion in which it was determined that there is no need for the Board to track X-ray machine inspections as this is already handled by the Division of Health. The motion failed with all opposed. Section 6 will not go forward.

Section 7. Dr. Davis moved to go forward with Section 7. Dr. Lurie seconded and the motion passed with all in favor.

Section 8. Dr. Davis questioned the wording in (h). Mr. Ling agreed that the wording should be changed to "Billing or charging a patient for services independently of the chiropractor." He recommended that (o) be amended to "*Assisting with* splitting fees or giving or receiving a commission in the referral of patients for services." Dr. Davis requested the 10 days be changed to 15 days in Number 3 of Section 8 to maintain consistency. Dr. Zaro moved to approve Section 8 with the three proposed amendments. Dr. Davis seconded. The motion passed unanimously.

There was not enough time to address the remaining proposed regulations. Another conference call will be held at 12:00 Noon on Tuesday, September 10, 2013 to resume work on the proposed regulations.

Agenda Item 6 Review Board officer job descriptions – No action

Dr. Lurie suggested that the tasks assigned to Board officers be more evenly distributed. The Secretary also serves as the Treasurer which is a lot for a person holding down a full time practice to fulfill. Mr. Ling determined that the Secretary is designated Treasurer by statute so those jobs cannot be split up. Drs. Rovetti and Lurie will work together on possible amendments to the officers' duties.

Agenda Item 7 Board Member Comments – No action

Dr. Rovetti commented that the rule-making process has so far gone rather smoothly.

Agenda Item 8 Public Comment – No action

NCA President Dr. James Overland commented that he wrote a letter to Drs. Rovetti and Nolle regarding errors in the Board's minutes about NCA statements or misstatements. He requested that before the minutes regarding the NCA are published they be run by him to check for accuracy. Dr. Rovetti responded that the minutes can be amended and the minutes in question will be amended. There was discussion about availability of drafted minutes. Ms. Wade commented that they may be sent upon request but there has never been a request for them. Dr. Overland stated that he will be sending a request for drafted minutes. Mr. Ling said they will be available when the agenda is posted.

Agenda Item 9 Adjournment – For possible action

The meeting adjourned at 1:15 PM.

Approved: October 5, 2013



Jack Nolle, DC, Secretary-Treasurer