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TRACY DiFILLIPPO, ESQ
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, January 12, 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 9:00 AM:

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

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

A quorum was present and Dr. Rovetti called the meeting to order. Dr. Jack Nolle led those present in the Pledge of Allegiance and stated the purpose and mission of the Board. Dr. Rovetti determined that the next meeting will be held on April 6 and possibly April 7 if a hearing is to be held. It may be necessary to have a conference call meeting in the interim.

Agenda Item 2 Approval of agenda – For possible action.

There were no changes to the agenda.

Agenda Item 3 Approval of Consent Agenda – For possible action

CONSENT AGENDA

Agenda Item 4 Approval of October 13, 2012 minutes – For possible action.

Agenda Item 5 Ratification of granting of DC licenses to applicants who passed the examinations on November 14 and December 12, 2012 and January 9, 2013 – For possible action

Agenda Item 6 Ratification of granting of CA certificates to applicants who passed the examinations on October 17 and November 14, 2012– For possible action

There were no objections to the items on the Consent Agenda.

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

Agenda Item 7 Acceptance of surrender of License B951, Jeffrey Scott Keysar, DC – For possible action

Dr. Keysar's letter and NAC 634.390 were reviewed. Shell Mercer moved to accept Dr. Keysar's surrender of his license. Tracy DiFillippo seconded and the motion passed unanimously.

Agenda Item 8 Financial status report – No action

- A. Current cash position**
- B. Status of renewals**
- C. Extraordinary items**

Cindy Wade provided rough statistics on the status of the renewals which are down approximately 10%. Staff is still in the process of receiving and assessing continuing education records, many of which are for attendance at hourly online seminars which generate volumes of data input.

Agenda Item 1 Public Interest Comments - No action.

There was no public comment.

Agenda Item 10 Request from Andrew K. Bader, DC, to use/advertise the designation and certification "CEDIR" – For possible action

Dr. Bader was present and explained why he feels he should be allowed to advertise his CEDIR certification. He requested that Dr. Davis recuse from voting on this matter due to a past disagreement. After discussion, Dr. Lurie moved to deny approval of the CEDIR designation for advertising purposes. Dr. Zaro seconded. The motion passed with Drs. Lurie, Nolle, Rovetti and Zaro and Ms. Mercer in favor, Ms. DiFillippo opposed and Dr. Davis recused.

Agenda Item 11 Request from Francis Raines for reinstatement of license – For possible action

Dr. Raines and his attorney, Margaret Stanish, were present. Dr. Nolle reviewed the current status of Dr. Raines's application for reinstatement of his license. He recommended several changes and additional requirements to be incorporated into the agreement drafted by Ms. Stanish.

This matter was temporarily interrupted due to a scheduled conference call with the Board's auditor regarding the following agenda item.

Agenda Item 9 Approval of 2011/12 Financial Audit – For possible action

There was a brief discussion with Michael Bertrand regarding his financial audit. He stated that the audit went very well with the exception of a couple of minor issues. There were no questions from the Board members. Ms. DiFillippo moved to approve the 2011/12 Financial Audit. Dr. Zaro seconded the motion and it passed with all in favor.

Agenda Item 11 Request from Francis Raines for reinstatement of license – For possible action

Discussion of this matter resumed. Ms. DiFillippo made a motion to approve reinstatement of Dr. Raines's license under the terms and conditions proposed by Ms. Stanish with the addition of Dr. Nolle's recommended terms and conditions. Ms. Mercer seconded the motion. The motion passed with Drs. Davis, Nolle and Rovetti and Ms. DiFillippo and Ms. Mercer in favor and Drs. Lurie and Zaro opposed. Shell Mercer will monitor Dr. Raines's compliance.

Agenda Item 12 Legislative Lobbyist Report – No action

Marsha Berkgigler gave a brief overview of the upcoming Legislative session. The Board's BDR is No. 538 and the Association's BDR is No. 834. She said that AB16 may impact our Board. LCB has issued an opinion that her seat on the County Commission does not conflict with her contract with this Board. Cindy Wade will forward the weekly reports to the Board members.

Agenda Item 13 Consideration of potential additions, deletions and/or amendments to NAC chapter 634 – For possible action

Several possible changes were discussed regarding continuing education requirements under NAC 634.385. The number of online continuing education hours for license and certificate renewals should be limited to 12 and 6 respectively during the two-year period. Louis Ling will prepare the language.

Agenda Item 14 Review of Board's proposed 2013 legislative bill – For possible action

There was discussion about the revision to NRS 634.225 in Section 9. Cindy Wade requested the due dates for license and certificate renewals be clarified in NRS 634.130 in Section 6 by changing the words "on or before" and "by" to "before" where applicable.

Agenda Item 15 NCA report – No action

NCA President James Overland, DC, suggested that in the future the Board should not hold a meeting on the weekend the Parker Seminar is being held. He reviewed his concerns about fee structures being advertised by "The Joint," and the exclusion of chiropractors from performing physicals by the Taxicab Authority. He recommended that online continuing education hours be limited to 20-30%. He offered complimentary copies of the film "Doctored" to anyone who did not attend the theater showings. The NCA will inform Dr. Lurie if they draft any legislative bills. The NCA's 2013 annual meeting will be in Reno on September 14-15.

Agenda Item 26 Review and potential action regarding approval of continuing education credit for on-line courses offered by The Wise DC – For possible action

Donna Camilli, President of The Wise DC, was present by speakerphone. She reviewed their current security measures. Dr. Lurie moved to deny approval of The Wise DC online continuing education until their security measures are tested and deemed to be functioning effectively. Dr. Nolle seconded the motion. The motion passed with all in favor.

Agenda Item 16 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 this complaint will be ready for settlement or to go to hearing by late spring.

B. Complaint 11-8S

This matter is still pending final disposition of a lawsuit. Dr. Zaro will check on its status and report at the next meeting.

C. Complaint 11-9S

This matter was addressed at the last meeting and should not have appeared on the agenda.

D. Complaint 11-11S

The doctor renewed inactive. Dr. Zaro will contact him to arrange for some testing if he activates his license.

E. Complaint 11-21S

The complainant has relocated to Germany. Shell Mercer is in touch with her in the process of gathering more information.

F. Complaint 12-04S

Ms. Mercer has been trying to contact the complainant but her messages have not been returned. If no response is received before the next meeting she will recommend dismissal.

G. Complaint 12-11S, I. Complaint 12-13S, L. Complaint 12-17S, P. Complaint 12-21S, Q. Complaint 12-22S

These complaints involve several doctors practicing at two locations owned by one of the doctors. Dr. Lurie stated that a settlement or hearing on these cases will be ready for the April meeting.

K. Complaint 12-16S

This complaint was just assigned to Dr. Lurie. He will initiate an investigation as soon as he receives it from Cindy.

M. Complaint 12-18S

Ms. DiFillippo reported that this investigation is ongoing.

N. Complaint 12-19S

Dr. Davis stated this complaint concerns over-utilization and is pending receipt of additional information.

O. Complaint 12-20S

Dr. Zaro is investigating this complaint.

Agenda Item 17 Approval of policies - For possible action

A. Use of Class IV lasers

Dr. Rovetti moved to adopt the policy as proposed. Dr. Lurie seconded the motion. After discussion, Dr. Rovetti amended his motion to delete the third paragraph of the proposed policy. Dr. Lurie seconded the amended motion and it passed unanimously.

B. Preceptorship

Dr. Zaro stated that the proposed preceptorship policy should be added to the regulations rather than adopted as policy. Dr. Rovetti moved to temporarily adopt the proposed policy until it can be added to the regulations. Dr. Davis seconded the motion and it passed with all in favor.

C. Staff Bonus Program

This matter was not addressed.

Agenda Item 18 Approval of revisions to Board Officer Job Descriptions – For possible action

A. Secretary/Treasurer

Dr. Lurie moved to accept the proposed measures for financial safeguarding for addition to the Secretary-Treasurer Job Description. Dr. Nolle seconded and the motion passed with all in favor.

B. President

C. Vice President

There were no recommended changes to the President or Vice President Job Descriptions.

Agenda Item 19 Consideration of replacement of paper Newsletter with e-mail version – For possible action

The Spring 2013 Newsletter will be the last one on paper sent out by mail. A form will be included for licensees to send in their e-mail addresses or to request to receive a paper Newsletter by mail. This information will also be posted on the Board's website.

Agenda Item 20 Committee reports – No action

A. Continuing Education Committee

Dr. Nolle stated that he is very concerned about the apparent poor security of online seminars.

B. Legislative Committee

Dr. Lurie will be in constant contact with Marsha Berkgigler and Mendy Elliott during the legislative session regarding the Board's bill and any other bills that may impact the Board. He hopes the NCA will communicate with the Board through him about their legislative activities.

C. Test Committee

Dr. Zaro is developing new CA tests which should be ready for the March 1 exams. She will get them to Cindy by mid-February.

D. Preceptorship Committee

Dr. Davis reported that one preceptor application has been received. He presented a draft of the committee's Mission Statement.

Agenda Item 21 Board Counsel Report – No action

Louis Ling reported that the attorney for Drs. Nassiri and Johnson filed their brief with the Supreme Court on the last day. Our reply brief is due in two weeks. The only issue concerns the level of the burden of proof. It will take up to two years for this matter to conclude.

Agenda Item 22 Executive Director Report – For possible action

A. Status of Complaints Received

B. Status of Current Probations

C. Legal/Investigatory

D. Temporary Licenses Issued

Cindy Wade provided updates to her reports since they were published.

Agenda Item 23 Report on Parker Seminar – No action

Dr. Lurie stated that 11 temporary licenses were issued this year compared to 18 last year. He observed many people performing adjustments without temporary licenses and very few temporary licenses were displayed.

Agenda Item 24 Selection of Board members to attend FCLB/NBCE Annual Conference – San Francisco, CA May 1-5, 2013 – For possible action

Drs. Davis, Lurie, Nolle, Rovetti and Zaro will attend the Conference. Dr. Zaro will remain the FCLB Delegate and Dr. Davis the Alternate. Dr. Davis will remain the NBCE Delegate and Dr. Zaro the Alternate. The Board will provide voting direction to the delegates at the next meeting.

Agenda Item 25 Selection of Board Member(s) to participate in May, 2013 National Board Part IV – For possible action

Drs. Rovetti and Zaro will participate in the National Board Part IV Test on May 17-19, 2013, and Drs. Lurie and Nolle will participate in the November Part IV Test. Dr. Zaro will participate on the NBCE Test Committee in June, 2013.

Agenda Item 27 Review/approval of proposed Employee Manual – For possible action

The Board reviewed the proposed manual. Tracy DiFillippo will prepare whistleblower and social media policies.

Agenda Item 29 Correspondence Report – No action

Three reports of unlicensed chiropractic adjusting were received from the Massage Therapy Board. Cindy will issue Cease & Desist letters.

Agenda Item 28 CPBN Strategic Planning – For possible action

Louis summarized the responses to the Board Retreat Questions. The Board focused on the following topics:

Meetings: The preference is to have more conference calls, to be held at 12:30 – 1:30 PM on Tuesdays. Live meetings with hearings should be scheduled for two days with the first half hour dedicated to standing agenda items.

Decrease billing/coding and fraud cases: Licensees should be made more aware of potential violations. Tougher discipline and mandatory continuing education on billing/coding should be considered. Dr. Rovetti will forward a billing and coding podcast to the Board members.

New Licensee Mentoring Program: Dr. Rovetti, Shell Mercer and Tracy DiFillippo will develop the program. Licensees could be encouraged to join the program by offering them CE credits. A list of mentors should be compiled for new licensees to choose from. Obtaining feedback from disciplined licensees might be helpful.

Agenda Item 30 Board Member Comments – No action

Everyone agreed that this was a good and productive meeting.

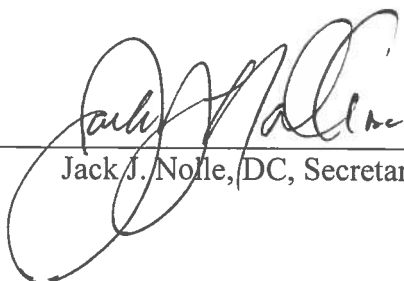
Agenda Item 31 Public Comment – No action

There was no public comment.

Agenda Item 32 Adjournment – For possible action

The meeting adjourned at 4:50 PM.

Approved: April 6, 2013



Jack J. Nolle, DC, Secretary-Treasurer