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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 on Tuesday, July 2, 2013 by telephone conference call at 12:00 Noon. A telephone was available for public use in Suite M245 at 4600 Kietzke Lane, Reno, Nevada 85902.

The following Board Members were present at the roll call:

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

Member Dr. Annette Zaro joined the call at 12:10 PM. Consumer Member Shell Mercer, Esq., was not present. Also present were CPBN Staff Attorney Louis Ling and Executive Director Cindy Wade.

Dr. Rovetti determined that a quorum was present and called the meeting to order.

Agenda Item 1 Public Interest Comments - No action.

Dr. James Overland inquired why the test for Chiropractor's Assistants is being administered on July 18. Cindy Wade explained that at the April 6 meeting Test Committee Chair Dr. Zaro proposed July 18 or August 29 for the CA tests. The tests had to be scheduled for July 18 because there were no testing rooms available on August 29. Dr. Overland stated that the NCA needs more advance notice for scheduling of their training session.

Agenda Item 2 Approval of agenda – For possible action.

Dr. Lurie made a motion to approve the agenda. Ms. DiFillippo seconded and the motion passed with all in favor.

Dr. Rovetti turned the Chair over to Vice President Dr. Lurie.

Agenda Item 3 Appeal of denial of application for DC licensure of Wayne A. Cissell, DC - For possible action

Dr. Wayne Cissell was present on the call. Drs. Rovetti and Davis recused themselves from this matter. At Dr. Lurie's request, Dr. Nolle reviewed the probationary circumstances and current status of Dr. Cissell's licenses in Colorado, California, Alaska and Washington. Dr. Cissell responded to questions from the Board.

Dr. Nolle made a motion to accept Dr. Cissell's application with the stipulation that if he attains Nevada licensure by passing the Law Test, his license will be subject to the same terms and conditions of the probation of his California license, i.e., during the remaining approximately 18 months of probation Dr. Cissell must abstain from alcohol, submit to bodily fluid testing upon request, submit quarterly reports to the Board and if he should cease practicing and/or leave the state, his license will commence tolling. Ms. DiFillippo seconded and the motion passed with all in favor except Drs. Rovetti and Davis who recused.

Dr. Rovetti resumed the Chair.

Agenda Item 4 Ratification of granting of Doctor of Chiropractic license to applicant who passed the June 12, 2013 examination – For possible action

Dr. Nolle moved to ratify granting of a license to Jennifer Keys, DC. Dr. Lurie seconded the motion and it passed unanimously.

Agenda Item 5 Approval of April 6, May 21 and June 1, 2013 meeting minutes - For possible action

Dr. Lurie moved for approval of the April 6, May 21 and June 1, 2013 meeting minutes. Dr. Nolle seconded the motion and it passed unanimously.

Agenda Item 6 Discussion/possible approval of proposed new system for documentation of continuing education – For possible action

Dr. Nolle reported that he has not yet completed his research on the proposed system. Cindy stated that GLSuite will develop the program at no charge but they need to get started on it by August. Dr. Nolle made a motion to move forward with this application. Dr. Lurie seconded and the motion passed with all in favor.

Agenda Item 7 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:

Due to time constraints Dr. Rovetti requested that only those with new information should report.

D. Complaint 12-18S

Ms. DiFillippo reported that this case is being referred to an outside investigator and counsel.

G. Complaints 13-02N & 13-03N

Dr. Nolle and Louis Ling met with the complainant and determined there was no violation by either of the two doctors. Dr. Rovetti moved for dismissal of Complaints 13-02N and 13-03N. Ms. DiFillippo seconded the motion and it passed with all in favor except Dr. Nolle who recused as the IBM.

H. Complaint 13-04N

Dr. Davis reported that a patient complained that the DC did not adjust the vertebra that he wanted adjusted. Based upon his exam, imaging and history, the DC felt that another area was where the adjustment was needed. Dr. Davis determined that there was no violation. Dr. Rovetti moved to dismiss the complaint. Dr. Zaro seconded. The motion passed with all in favor except Dr. Davis who recused as Investigating Board Member.

Dr. Davis also stated that a Notice of Charges will be issued pursuant to Complaint 10-13S within the next few weeks.

L. Complaint 13-08S(A&B)

Dr. Lurie explained that as an interim action on 13-08A, the DC has entered into a Memorandum of Understanding to not practice chiropractic on humans until there has been a disposition of this case. The doctor is registered with the Veterinary Board and intends to continue to treat animals. The Veterinary Board and other regulatory boards involved are considering potential action and Dr. Lurie is maintaining contact with them.

M. Complaint 13-10S

Dr. Zaro reported she has concluded her investigation into this complaint. She has sent the information and her recommendations for a settlement to Louis. A Notice of Charges will be drafted in the next few weeks.

P. Complaint 13-13S

Dr. Lurie plans to have this case resolved by the next meeting.

Agenda Item 8 Staff evaluations – For possible action

A. Staff Attorney

B. Executive Director

This matter was tabled until the next meeting because not all of the evaluations were submitted.

Agenda Item 9 Approval of ratification of Board Counsel hourly fee increase – For possible action

Dr. Lurie moved for approval of the hourly fee increase. Ms. DiFillippo seconded and the motion passed with all in favor. Dr. Lurie stated that Mr. Ling does a phenomenal job for the Board.

Agenda Item 10 Appointment of FCLB Delegate and Alternate Delegate to represent CPBN at September 19-22, 2013 Regional Meeting in Vancouver, Washington and April 30 - May 4, 2014 FCLB/NBCE Annual Meetings in Myrtle Beach, NC – For possible action

Drs. Davis, Lurie, Nolle and Zaro and Ms. DiFillippo expressed their interest in attending the FCLB Regional Meeting in September. Dr. Lurie stated that he will pay his own registration and expenses. Dr. Davis will pay his own registration for credit for the CE hours. Dr. Zaro said she would like to attend but will defer to a Consumer Member because she feels it is important that they participate in these meetings. Ms. DiFillippo said she is interested but doesn't want to take the opportunity away from someone else. Dr. Rovetti moved that Dr. Nolle be the FCLB Delegate, Dr. Davis the Alternate Delegate, and one of the Consumer Members second Alternate Delegate. Dr. Nolle seconded and the motion passed unanimously.

Agenda Item 11 Consideration of potential additions, deletions and/or amendments to NAC Chapter 634 – For possible action

Dr. Rovetti proposed that everyone send in their recommended regulation changes for review at the next meeting in preparation for a Regulation Workshop. Dr. Davis recommended that, due to recent media coverage, the criteria for Chiropractor's Assistant applicants should be upgraded to minimum age 21 and 12 months of on-the-job training. Louis Ling said he will add Dr. Davis's recommendation to the list and requested that any other recommended changes be sent to him within the next two weeks so he can prepare a mock-up for the August meeting.

Agenda Item 12 NCA Report – No action

Dr. James Overland stated the NCA had nothing to report. Dr. Nolle inquired about the NCA Annual Meeting which will be at the Silver Legacy in Reno October 19-20, 2013.

Agenda Item 13 Committee reports – No action

- A. Continuing Education Committee – Dr. Nolle
- B. Legislative Committee – Dr. Lurie
- C. Test Committee – Dr. Zaro
- D. Preceptorship Committee – Dr. Davis

Dr. Zaro said the results of the Test Material Workshop last month were very helpful.

Agenda Item 14 Discussion/approval of future meeting dates.

The next meeting will be a conference call at 12:00 Noon on Tuesday, August 6. The October 5, 2013 meeting will be in Reno and the October 26-27, 2013 meeting will be in Las Vegas.

Agenda Item 15 Board Counsel Report – No action

Louis Ling reported he has received notice from the Supreme Court regarding the oral arguments on the Nassiri/Johnson case. He will let everyone know as soon as he receives their notice of the date, time, etc. He hopes Board members will attend. He learned from Dr. Nassiri's counsel that Dr. Edward Johnson is deceased.

Agenda Item 16 Executive Director Report – No action

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

Cindy Wade advised that all of the doctors who settled with the Board on June 1 have contacted her regarding payment of their fines and arrangements to take the CPBN Law test and the NBCE Ethics and Boundaries test. Dr. Lurie stated that he will administer the Law tests simultaneously at Dr. Luzod's office to the four Las Vegas doctors. If possible, Cindy will make arrangements with a test center in Salt Lake City to administer the test to the doctor in Salt Lake City, or Dr. Lurie will arrange for CE Advantage to contact Cindy to arrange for them to administer his test.

Agenda Item 17 Correspondence Report – No action

There was no discussion with respect to the Correspondence Report.

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Agenda Item 18 Board Member Comments – No action

There were no comments from Board members.

Agenda Item 19 Public Comment – No action

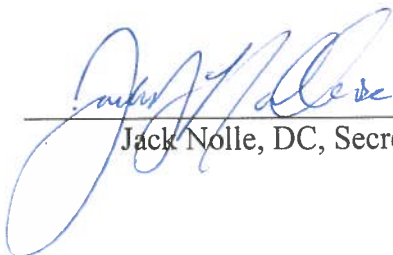
Dr. Overland asked if there will be any procedural or format changes to the July 18 CA test, or anything else that the NCA should be aware of. Dr. Rovetti advised him to contact Test Committee Chair Dr. Zaro.

Cindy Wade expressed her concern that the repeated tabling of the staff evaluations is demoralizing and could negatively affect future employees if it continues.

Agenda Item 20 Adjournment – For possible action

The meeting adjourned at 1:07 PM.

Approved: August 6, 2013



Jack Nolle, DC, Secretary-Treasurer