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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, May 21, 2013 by telephone conference call at 12:30 PM. A telephone was available for public use in Suite M245 at 4600 Kietzke Lane, Reno, Nevada 89502.

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 entered the call at 12:40 PM. Consumer Member Shell Mercer was not present. Also present were CPBN Staff Attorney Louis Ling, Executive Director Cindy Wade, and legislative lobbyists Mendy Elliott, Peter Krueger and Jim Litchfield.

A quorum was present and the meeting was called to order by President Dr. David Rovetti.

Agenda Item 1 Public Interest Comments - No action.

There was no public comment.

Agenda Item 2 Approval of agenda – For possible action.

There were no proposed changes to the agenda.

Agenda Item 3 Approval of April 6, 2013 minutes – For possible action.

Ms. DiFillippo made a motion to approve the minutes of the April 6, 2013 meeting. Dr. Lurie seconded the motion. Dr. Davis requested that a verbatim transcription of the advice given by Board Counsel Louis Ling regarding the Board's position of neutral with concerns on SB198 be included in the minutes under Agenda Item 13. After discussion, Ms. DiFillippo withdrew her motion, Dr. Lurie withdrew his second, and the matter was tabled until the minutes can be revised and addressed at the next meeting.

Agenda Item 4 Legislative Report – No action.

Dr. Lurie gave an update on the current status of AB73 and SB198, as well as other bills that concern the Board. All bills must be out of both houses by Friday, May 24.

Agenda Item 17 Board Counsel Report – No action

Mr. Ling reported that there is a 75% chance of attaining settlements in the cases scheduled for hearing on June 1 and 2. If the cases are not settled there will be a hearing. Due to the complexity and number of respondents, their attorneys and witnesses, it will probably not be possible to conclude the hearing in two days. He had nothing new to report with respect to the status of his other cases.

Agenda Item 9 Discussion and determination regarding course content and other criteria required for approval of continuing education seminars for Chiropractor’s Assistants – For possible action.

Dr. Nolle is concerned that there are no written references for approval of courses for Chiropractor’s Assistants other than the ancillary services listed in NAC 634.348. Mr. Ling advised that for full enforcement considerations any additional applications should be added to the regulations when the Board starts the rule-making process at a future meeting after the legislative session.

Agenda Item 10 Discussion and determination regarding Social Media Policy – For possible action.

Ms. DiFillippo reported that although some states are developing social media policy, there are First Amendment issues which make this more complicated than anticipated. The Board has no social media site at this time and she recommended that social media not be addressed in the CPBN Employee Manual unless the Legislature enacts legislation for State employees.

Agenda Item 11 Discussion and determination regarding Whistle Blower provision of Employee Manual – For possible action.

Mrs. DiFillippo made a motion that the Employee Manual should include a provision that employees be noticed of their rights, and they should be encouraged to report improper government action, including who they should report to, i.e., the chain of command. A summary of the statute should be included. Dr. Zaro seconded and the motion passed with all in favor.

Agenda Item 12 Consideration and determination regarding final approval of Employee Manual – For possible action.

Dr. Rovetti moved to approve the Employee Manual as written with the addition of the Whistle Blower provision. Dr. Lurie seconded and the motion passed unanimously.

Agenda Item 15 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 matter is still under investigation. It is anticipated that this case will have to be resolved in a hearing.

B. Complaint 11-21S & C. Complaint 12-04S

Ms. Mercer was not present to address the above two complaints.

D. Complaint 12-18S

Ms. DiFillippo stated that this matter is still being investigated.

E. Complaint 12-19S

Dr. Davis received no response to his letter with specific questions to the complainant. He will follow up with a letter via certified mail.

F. Complaint 12-20S

Dr. Zaro stated that this investigation is still ongoing

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

These complaints are from one complainant against two different doctors. Dr. Nolle will probably recommend dismissal of one of them but needs to gather more information on the other one before he determines proper disposition.

H. Complaint 13-04N

Dr. Davis has discussed this complaint with the doctor but needs to obtain more information from him to determine what he did and didn't do in his management of the case to resolve the issue of substantiating the complaint with the patient records.

I. Complaints 13-005N & 13-06N

Dr. Rovetti reported that these investigations are still ongoing.

J. & K. Complaints 13-07S & Complaint 13-08S

Dr. Lurie stated that these complaints are related and will probably be very complicated as there are other agencies involved and they are moving forward. One of the cases may potentially result in a hearing.

L. Complaint 13-09S

Ms. DiFillippo reported that this anonymous complaint was forwarded from another agency. She attempted to track down the complainant but was unsuccessful and has not been able to substantiate the allegations. She recommended the complaint be dismissed. Dr. Rovetti moved for dismissal of Complaint 13-09S. Dr. Lurie seconded and the motion passed with all in favor except Ms. DiFillippo who recused as the Investigating Board Member.

Agenda Item 5 Discussion and determination of CPBN's next step regarding Attorney General/Physical Therapy Board Correspondence – For possible action.

Dr. Rovetti inquired if Allison Tresca, Executive Director for the Physical Therapy Board, was still on the line. There was no response. Dr. Rovetti reviewed the correspondence that has recently taken place among the two boards, the Attorney General and the Solicitor General. Following discussion, it was agreed that this matter should be pursued.

Agenda Item 6 Discussion and determination of plan of action regarding upcoming Grade 5 mobilization seminars for physical therapists in Las Vegas this year – For possible action.

Board members discussed the efficacy of sending a cease and desist letter to the seminar presenter. Dr. Rovetti made a motion to send a cease and desist letter, including the laws and appropriate documentation, to the seminar presenter. Dr. Zaro seconded the motion. Upon discussion, it was determined that it is made clear in the seminar brochure that thrust manipulations will actually be performed at the seminar. Dr. Lurie stated that this activity must be monitored for the sake of public protection or the Board will not be fulfilling its mission. Dr. Davis stated that according to Nevada laws, not just the chiropractic laws, someone cannot be turned away from attending this seminar. The motion passed with all in favor except Dr. Davis who was opposed.

The following agenda items were postponed until the next meeting due to lack of time:

Agenda Item 7 Report on FCLB Conference in San Francisco – No action.

Agenda Item 8 Update on mentor program – No action.

Agenda Item 13 NCA Report – No action

Agenda Item 14 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

Agenda Item 16 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

Agenda Item 18 Executive Director Reports – No action

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

Agenda Item 19 Public Interest Comments – No action

There was no public comment.

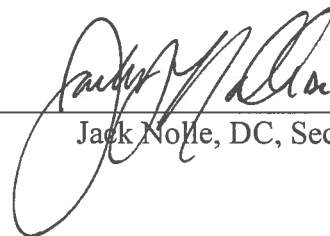
Agenda Item 20 Board Member Comments

Dr. Davis congratulated the CPBN for receiving the Earl Wiley Outstanding Board of the Year Award, Cindy Wade for receiving an FCLB Special Presidential Recognition, and former Board President Dr. Maggie Colucci for her election to the position of FCLB Treasurer.

Agenda Item 21 Adjournment – For possible action.

The meeting adjourned at 1:45 PM.

Approved: July 2, 2013



Jack Nolle, DC, Secretary-Treasurer