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Consumer Member
JULIE STRANDBERG
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MINUTES OF MEETING/HEARING

A meeting of the Chiropractic Physicians' Board was held on Saturday, November 7, 2015 at the Courtyard Las Vegas Convention Center, 3275 Paradise Road, Paradise Meeting Room, Las Vegas, NV 89109.

The following Board Members were present at roll call:

Benjamin Lurie, DC, President
David G. Rovetti, DC, Secretary-Treasurer
Jason O. Jaeger, DC, Member
Maggie Colucci, DC, Member
Shell Mercer, Consumer Member

Vice President, Lawrence Davis and Consumer Member, Tracy DiFillippo were not present. Also present were CPBN Counsel Mr. Ling, Deputy Attorney General Keith Kizer, and Executive Director Julie Strandberg.

President, Dr. Benjamin Lurie determined a quorum was present and called the meeting to order at 9:45 a.m.

Dr. Rovetti led those present in the Pledge of Allegiance. Dr. Colucci stated the purpose 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.

Dr. Colucci moved to approve the agenda. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 3 Welcome New Board Member – No action

Dr. Lurie welcomed Dr. Jason Jaeger to the Board for his first term effective October 31, 2015. Dr. Lurie also congratulated Tracy DiFillippo, Consumer Member for being reappointed to the Board for her second term through October 31, 2019.

Agenda Item 6 Discussion/approval of CA application/certification of Heather Smith – For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Ms. Smith)

Julie Strandberg stated that Ms. Smith was asked to contact the Board via telephone today. When the Board received her CA application, she was on probation for attempted grand larceny.

The Board advised Ms. Smith that upon passing her CA exam she would need to appear before the Board to provide the status of her probation. Dr. Lurie explained that Ms. Smith is on probation and upon passing the CA exam she is required to come before the Board for approval of her certificate. Dr. Lurie reviewed the letter from Ms. Smith's probation officer, Chris Austin, which indicated that Ms. Smith is in compliance with her probation. Ms. Mercer asked Ms. Smith what conditions were required of her to complete her probation. Ms. Smith stated that she is required to check-in monthly, pay a fine, and for each month she is in compliance, 20 days are reduced from her probation expiration date which is December 23, 2017. Dr. Rovetti asked about the details of Ms. Smith's offense. Dr. Lurie stated that based on the letter from her probation officer the charge is attempted grand larceny and she is in compliance.

Dr. Lurie stated that Ms. Smith passed her CA exam on August 27, 2015. Dr. Lurie moved to approve and ratify the CA certificate for Ms. Smith. Ms. Mercer seconded, and the motion passed with all in favor. Dr. Rovetti asked if Dr. Dudley was aware of Ms. Smith's probation. She stated that he was. Ms. Smith thanked the Board.

Agenda Item 7 Discussion/possible action in the Matter of Heriberto Soltero, Complaint 15-05S – For possible action (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Mr. Soltero)

Dr. Lurie stated that this is the hearing in the Matter of Heriberto "Eddie" Soltero, Complaint 15-05S, for possible action. Dr. Lurie introduced Keith Kizer, Deputy Attorney General with the Attorney General's office. Dr. Lurie stated the Investigating Board Member was Dr. Colucci.

Mr. Ling began with his opening statement. Mr. Ling explained that this case involves a citation, which the Board gave to Mr. Soltero regarding unlicensed chiropractic practice. Mr. Ling stated that the Board will hear from students taught by Mr. Soltero at the Nevada School of Massage in Las Vegas. Some of these individuals were witnesses, while others were adjusted by Mr. Soltero. On breaks during class, students would ask Mr. Soltero to work on an area of their body where they were having issues. Some of the techniques performed by Mr. Soltero were allegedly chiropractic adjustments where a thrust was applied.

Mr. Soltero gave his opening statement. Mr. Soltero stated that he has worked for the Nevada School of Massage for ten years and has worked for several chiropractors. Mr. Soltero stated that he admires, and is an advocate of chiropractic care. He stated that he does not know how to adjust. However, some techniques performed by massage therapists involve the cavitation of a joint. Mr. Soltero stated that he wants to prove that he did not perform any type of chiropractic adjustment.

The complainant, Katherine Spickelmier was sworn in and began her testimony with questions from Mr. Ling. Ms. Spickelmier testified that her husband is a chiropractor and she has been receiving chiropractic adjustments for over twenty years. Ms. Spickelmier testified that she was a student in Mr. Soltero's trigger point class in February 2015. She testified that she observed Mr. Soltero perform left-side and right-side adjustments, followed by a cervical break to both sides of a student's neck. Ms. Spickelmier testified that it appeared Mr. Soltero was performing chiropractic adjustments. Ms. Spickelmier testified to a second incident when Mr. Soltero applied a thrust to the spine of a student which resulted in a cracking or popping sound. Mr. Soltero opened his cross-examination of Ms. Spickelmier and asked why she did not bring this issue up directly with him. Questioning was then turned over to the Board to ask of Ms. Spickelmier.

Tanner Frigaard was contacted by telephone, was sworn in, and began his testimony with questions from Mr. Ling. Mr. Frigaard testified that he was a student in Mr. Soltero's trigger

point class in February 2015. Mr. Frigaard testified that Mr. Soltero placed Mr. Blue in a side position and applied force into Mr. Blue's leg that was crossing his body while pushing his shoulder in the opposite direction. Mr. Soltero opened his cross-examination of Mr. Frigaard and asked why he did not bring this issue up directly with him. Questioning was then turned over to the Board to ask of Mr. Frigaard.

Teddie Blue, Jr. was sworn in and began his testimony with questions from Mr. Ling. Mr. Blue testified that he was a student at the Nevada School of Massage and took Mr. Soltero's trigger point class. Mr. Blue stated that he suffers from headaches, and upon request, Mr. Soltero provided two treatments. Mr. Blue stated that the treatments started out as a stretch and then Mr. Soltero positioned him in the side-line position with one leg crossed over the other. Mr. Soltero put one hand on his hip, the other on his shoulder, and proceeded with three jolts of thrust. Mr. Blue stated that based on other educational courses, he felt that the treatments done by Mr. Soltero were chiropractic adjustments. Mr. Blue testified that Mr. Soltero conducted a second treatment similar to the initial treatment, but was not able to obtain release on that one. Mr. Soltero opened his cross-examination of Mr. Blue and asked why he did not bring this issue up directly with him. Questioning was then turned over to the Board to ask of Mr. Blue.

DeShawn Cobb was sworn in and began his testimony with questions from Mr. Ling. Mr. Cobb testified that Mr. Soltero treated him for a headache and upon doing so Mr. Soltero applied his thumbs to both sides of Mr. Cobb's nose in an attempt to perform sacral-cranial therapy to release his nasal passages. Mr. Soltero then applied massage strokes under Mr. Cobb's neck and twisted his neck to one side, then the other, which created a cracking sound. Mr. Cobb testified that the techniques done by Mr. Soltero provided him immediate relief. However, within a short time, the headache returned and was worse. Mr. Soltero opened his cross-examination of Mr. Cobb and asked why he did not bring this issue up directly with him. Questioning was then turned over to the Board to ask of Mr. Cobb.

Mr. Soltero called his witness, Sarah Pascoe. Ms. Pascoe was sworn in and began her testimony with questions from Mr. Soltero. Mr. Ling opened his cross-examination of Ms. Pascoe. Questioning was then turned over to the Board to ask of Ms. Pascoe.

Mr. Soltero, representing himself, was sworn in, and began his testimony. He testified that the massage school allows the instructors to teach the courses where they have the most experience. Mr. Soltero testified that he had been working for the massage school for ten years and due to this allegation he was terminated. Mr. Soltero brought and referred to the sports massage manual. He testified that the illustrations in the manual refer to the techniques that were described by the witnesses today. Mr. Soltero testified that he has been following the same procedures in the courses which he has taught for years. Mr. Soltero asked the Board to believe that he did not, in any way, perform adjustments or a thrust. Mr. Soltero testified that after the first of the year, he will be looking into applying for a Chiropractor's Assistant position.

Mr. Ling asked if the book provided by Mr. Soltero which illustrated sports massage techniques would be brought in as evidence. Dr. Lurie stated that he would not be bringing the book in as evidence since it was previously not provided to Mr. Ling. Mr. Ling opened his cross-examination of Mr. Soltero. Questioning was then turned over to the Board to ask of Mr. Soltero.

Mr. Ling began his closing arguments, stating that this decision will turn on credibility, and whether the Board believes the students or Mr. Soltero. Mr. Ling stated the question will be, "Did Mr. Soltero apply force or thrust?"

Mr. Ling stated in some cases it was hard to describe, but easier to see. Mr. Ling referred to Mr. Cobb's testimony, which he demonstrated how Mr. Soltero turned his head in both directions and made a crack. The Board may choose to believe the four witnesses and conclude

that the techniques performed by Mr. Soltero were chiropractic in nature. And, if that is the case, the Board should sustain the citation.

Dr. Lurie asked Mr. Soltero to make his closing statement. He testified that this is his lively hood and has dedicated ten years to soft tissue manipulation. With the Board's permission, Mr. Soltero hopes to continue his employment and be able to apply as a chiropractor's assistant next year.

Dr. Lurie turned the Boards' attention to the citation issued to Mr. Soltero, which was included in the Boards packet. The citation allowed Mr. Soltero to appeal before the Board, which he has done.

Following discussion, Dr. Jaeger moved to charge Mr. Soltero with a fine of \$500 and reimburse the Boards' costs of \$2,295.55. Ms. Mercer seconded, and the motion passed with all in favor except Dr. Colucci who recused herself as the Investigating Board Member.

At 2:10 p.m., Ms. Mercer excused herself from the meeting. Dr. Lurie noted that the Board still maintained a quorum.

Agenda Item 4 Approval of the September 26, 2015 Meeting Minutes - For possible action.

Dr. Colucci moved to approve the agenda. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 5 Ratification of granting of DC licenses to applicants who passed the examination on October 14, 2015 – For possible action.

Dr. Lurie moved to approve the ratification of granting of the DC licenses to those who passed the examination on October 14, 2015. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 8 Discussion/approval of Continuing Education requests co-sponsored by other Nevada Boards and Commissions – For possible action.

On behalf of Dr. Davis, Dr. Lurie introduced the request to approve continuing education applications co-sponsored by other Nevada Boards and Commissions. The understanding seemed to be if continuing education (CE) was co-sponsored and approved by another Nevada Board or Commission the CPBN would accept the CE credits. Dr. Lurie recommended tabling this agenda item to gain clarification from Dr. Davis at the March 5, 2015 Board meeting in Reno.

Agenda Item 9 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 11-8S (Ms. Mercer)

Dr. Lurie reported that complaint 11-08S is still under investigation.

B. Complaint 15-01S (Dr. Lurie)

Mr. Ling reported that he has been in contact with the individual's attorney to bring the website down, which advertises an individual as a licensed DC in Nevada. However, it has been confirmed that this individual is not licensed in Nevada.

C. Complaint 15-05S (Dr. Colucci)

This complaint is the Heriberto “Eddie” Soltero hearing that was heard before the board in today’s meeting.

D. Complaint 15-06S (Ms. DiFillippo)

Mr. Ling reported that this case is still under investigation.

E. Complaint 15-08N (Outside IBM)

Mr. Ling reported that this complaint will go to a hearing at the March 5, 2016 Board meeting in Reno, NV.

F. Complaint 15-11S (Dr. Rovetti)

Dr. Rovetti reported that the Medical Examiners’ Board as well as insurance companies are currently investigating this case. The Medical Examiners’ Board investigator stated that she will be submitting this complaint for peer review against the MD at the Medical Examiners’ Board meeting in February 2016. Dr. Rovetti gave an example based on this case: If Dr. Rovetti hired Mr. Ling to process the billing and fraudulent billing was discovered, “Does Mr. Ling get in trouble?” Dr. Rovetti stated that if Mr. Ling got a percentage of the billing, then that could be a negative impact on Mr. Ling. However, if Mr. Ling is receiving a straight salary it may not be a problem. This complaint will be held until the CPBN receives additional information from the Medical Examiners’ Board.

G. Complaint 15-13S (Dr. Rovetti)

Dr. Rovetti reported that this complaint was from a temp agency. An individual was placed in a practice. However, the temp agency was not paid. Dr. Rovetti stated that this is a contractual case and recommended dismissal. Dr. Lurie moved to dismiss complaint 15-13S. Dr. Colucci seconded, and the motion passed with all in favor except Dr. Rovetti who recused himself as the Investigating Board Member.

H. Complaint 15-17S (Dr. Rovetti)

Dr. Rovetti reported that the complainant was in an automobile accident, received chiropractic care, and was released from care. The complainant returned to the same chiropractic practice six months later and saw the other DC in the practice. Following this visit, she complained of pain in her arm and that her neck was in worse pain. Dr. Rovetti reviewed the patient’s records, and the records were in order. Dr. Rovetti recommended that this complaint be dismissed. Dr. Lurie moved to dismiss complaint 15-17S. Dr. Colucci seconded, and the motion passed with all in favor except Dr. Rovetti who recused himself as the Investigating Board Member.

I. Complaint 15-18N (Dr. Nolle)

Dr. Lurie stated that he spoke with Dr. Nolle, who is close to completing the investigation. Dr. Lurie asked the Board if they objected to Dr. Nolle completing the case. Mr. Ling stated that since Dr. Nolle is no longer on the Board he wouldn’t be able to represent him as the Investigating Board Member. Dr. Lurie stated that he would take this case.

J. Complaint 15-26S (Dr. Lurie)

Dr. Lurie stated that this complaint was against a DC for failure to release a patient's records. The patient's records were delivered and the complainant requested to dismiss the complaint. Dr. Rovetti moved to dismiss complaint 15-26S. Dr. Jaeger seconded, and the motion passed with all in favor except Dr. Lurie who recused himself as the Investigating Board Member.

K. Complaint 15-27S (Dr. Lurie)

Dr. Lurie stated that this complaint is against a DC for failure to release records. However, the DC currently cannot be located. Dr. Lurie has confirmed the DC's practice locations are closed. This complaint will be held in the Boards' dormant section.

L. Complaint 15-28S (Dr. Lurie)

Dr. Lurie stated that this complaint is still under investigation.

M. Complaint 15-29S (Dr. Colucci)

Dr. Colucci stated that this complaint is still under investigation.

N. Complaint 15-30S (Dr. Lurie)

Dr. Lurie stated that this complaint is still under investigation.

Agenda Item 10 Discussion/approval of revisions made to forms relative to the Chiropractic Physicians Board of Nevada - For possible action

A. **Doctor of Chiropractic Application** – Mr. Ling stated that according to federal law, the Board cannot issue a license to a non-legal resident. The DC application provided in the Board packets has been revised to ask if the applicant is a United States citizen. A second question has also been added which asks the applicant if they have a business license. Dr. Lurie recommended that if the DC checks "yes" to having a business license, the application should request the business license number. Julie Strandberg will revise the application to include the specific wording.

B. **Self-Inspection letter and form** – Dr. Lurie stated that the second paragraph of the Self-Inspection cover letter could be condensed. Dr. Rovetti stated that it is necessary to provide specific wording to ensure the DC's complete the self-inspection in its entirety. Dr. Lurie and Dr. Rovetti will revise for distribution.

C. **Temporary License letter and application** – Dr. Lurie recommended that the language in the affidavit section be more specific to indicate "chiropractic" law. Julie Strandberg will revise the application to include the specific wording.

Agenda Item 21 NCA Report – No action

On behalf of the Nevada Chiropractic Association (NCA), Dr. Lisa Berger congratulated Dr. Jaeger on his appointment to the Board and Ms. DiFillippo on her reassignment to the Board. Dr. Berger announced that there will be an emergency meeting with the NCC on November 17, 2015 at 12:30 p.m. to discuss a possible merger.

Agenda Item 22 NCC Report – No action

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On behalf of the Nevada Chiropractic Council (NCC), Dr. Youngblood stated that the NCC will be represented at the Congress of Chiropractic State Associations (COCSA). She also reported that as a team, the NCC, along with their attorneys, put their bylaws in place. The NCC continues to support the CPBN's scope in keeping Nevada drug-free. Dr. Youngblood stated that the NCC would like to model themselves after Idaho and submit legislation relative to insurance equality. Dr. Jaeger reported that he has been working on a collaborative approach with Idaho to gain insurance equality and change the rule on capped visits.

Agenda Item 11 Discussion/approval of the 2016 Board Meeting Schedule – For possible action

Dr. Lurie confirmed the meeting set for Saturday, March 5, 2016. The Board scheduled future meetings to be held on Saturday, June 4, 2016 and Saturday, September 10, 2016.

Agenda Item 14 Committee Reports

A. Continuing Education Committee (Dr. Davis) – No action

On behalf of Dr. Davis, Dr. Lurie reported that the CE process is very streamlined.

B. Legislative Committee (Dr. Lurie) – No action

Dr. Lurie stated that his meeting scheduled with Capitol Partners on September 29, 2015 was cancelled, so there was nothing to report at this time.

C. Preceptorship Committee (Dr. Rovetti) – No action

Dr. Rovetti reported that there are two preceptors waiting to take the jurisprudence exam. Dr. Rovetti stated that he will prepare a standard letter recapping the laws and regulations to be mailed to the student and the preceptor following two weeks on the job.

D. Test Committee (Dr. Lurie): - For possible action

Dr. Lurie stated that the test committee has a solution to move to an on-line exam using MyiCourse. Dr. Lurie explained how MyiCourse is set up, what they have to offer, and how it works -- all at a very minimal cost. Dr. Lurie asked that the Board members receive access to test the program prior to going live. Dr. Lurie and Dr. Rovetti stated that the Board will begin by putting the DC exam on-line. Dr. Lurie stated that the Board will continue with the current practice of offering the DC exams monthly until we can determine how the process is working. Dr. Lurie stated that the February 25, 2016 CA exam will continue to be a written exam.

Agenda Item 15 Reassign Committees – For possible action

Dr. Lurie asked if Board members were interested in changing from the Committee they were currently managing. Everyone remained on their existing committees. Dr. Colucci will replace Dr. Nolle on the Test Committee.

Agenda Item 16 Board Counsel Report – No action

A. Legislative Counsel Bureau revision to temporary regulation

B. FARB Forum Report

Mr. Ling reported that the legislative counsel bureau revised the language to the Board's regulation, which will need to be voted on at the March 5, 2016 Board meeting in Reno, NV.

Mr. Ling reported that the FARB Forum was very beneficial, and he will provide a report to the Board on what he learned. He stated that there was a lot of discussion relative to the public records law. He reported that a paralegal from a law firm in Los Angeles has requested the same

public records for several Boards, including the CPBN. She is requesting a list of current and disciplined licensees for the last two years, names of all board members, and names of all employees, including salary data. Mr. Ling is uncertain as to the reason behind this request and pursuant to the public records law, cannot ask why,

Mr. Ling stated that he suspects there will be legislation at the 2017 legislature to address the anti-trust situation due to the North Carolina Dental Board decision.

Mr. Ling thanked the Board for paying for a portion of his travel to FARB, and he will likely ask the Board to pay a portion for him to attend the next FARB Forum.

Agenda Item 17 Executive Director Reports:

A. Status of Pending Complaints – No action

B. Status of Current Disciplinary Actions – No action

C. Legal/Investigatory Costs – No action

Ms. Strandberg summarized each of the Executive Director reports. Ms. Strandberg stated that the quarterly reports on Dr. Luzod and Dr. Stella are included in the Board packets. She stated that the Controller's Office is not responding to the status of the collection accounts that were turned over to them. Mr. Ling stated that the Controller's Office abandoned the collection program they were putting in place. Mr. Ling stated that he, along with another Board, are looking at finding a debt collection firm that can take on the Board's collection efforts.

Agenda Item 18 Financial Status Reports – No action

A. Current cash position & projections

B. Accounts Receivable Summary

C. Accounts Payable Summary

D. Income/Expense Actual to Budget Comparison as of September 30, 2016

E. Extraordinary Items

Dr. Rovetti stated that the Board is in a good financial position. He referred the Board to the financial projections provided, which currently shows that the Board will have a surplus of approximately \$100,000 at the end of 2016. Dr. Rovetti stated that the Board should review the budget at the March 5, 2014 Board meeting. Julie Strandberg explained that the Board will pay an unbudgeted expense in 2015 in the amount of \$1,000.00. This expense is due to the new GASB 68 Rule which requires state agencies to report the PERS unfunded liability.

Agenda Item 19 Consider changes to CA Certification program – For possible action

Dr. Rovetti recommended changes to the Boards' CA statutes and regulations requiring an individual get certified prior to beginning work as a CA. Dr. Rovetti stated that the individual should pass the CA exam or a competency test, the law test, the Certification for Chiropractic Clinical Assistants (CCCA) exam, and pass a background check. Dr. Rovetti stated that an alternative route would be that the Board could allow a CA to work for a DC by "registering" with the Board and pay an appropriate fee. He stated that laws may be put in place to protect the public by requiring the DC to carry malpractice insurance if they have a CA working in the office. Dr. Rovetti recommended that a regulation be added stating that the CA be trained in specific modalities that they would be using and the DC would be disciplined should the CA not be properly trained. Dr. Colucci and Dr. Lurie stated that insurance companies are requesting that DC's refund patients for modalities applied by CA's who are not certified as they are not covered under the DC's malpractice insurance. Dr. Rovetti asked if a "registered" CA is allowed. Dr. Lurie stated that he would have to review the law. Dr. Lurie stated that his second issue is, how is the Board to know when an individual truly decides to be a CA. After further discussion, Mr. Ling stated that in order

to proceed, it would have to be approved through a regulation change. Dr. Lurie asked that the regulations be reviewed and added to the list in Agenda Item 20 for consideration.

Agenda Item 20 Consideration of potential additions, deletions and/or amendments to NRS or NAC Chapter 634 – For possible action

- A. Require DC's to keep a file of all advertising in a file located in their office for two to three years.
- B. Require disclaimer to testimonial advertising.
- C. Establish rules relative to Reciprocity. This may require a change at the next rulemaking meeting.
- D. Modify NRS 634.014 "Chiropractic adjustment."
- E. Modify NRS 634.020 (3) to allow more than two persons who are resident graduates of the same school or college or same branch of college to serve simultaneously as members of the Board.
- F. Discussion/possible change to NRS 634.190 (2) from the use of "guilty" terminology in NRS 634.190 (2) to "in violation." This change would require a bill requesting this revision to NRS during the 2017 legislative session.
- G. NAC 634.200 was recommended for revision at the 9/26/15 Board meeting to waive the temporary license fee to applicants providing chiropractic for no remuneration.
For an application for a temporary license to practice chiropractic pursuant to NRS 634.115..... 50.00
- H. NAC 634.330 was recommended for revision at the 9/6/14 Board meeting minutes, however no action was taken.
- I. NAC 634.390 was recommended for revision at the 9/6/14 Board meeting minutes, however no action was taken.
- J. NAC 634.367 Temporary license: Authorized acts. Include "pregnancy, care for family members" be added to (b) Unable to perform chiropractic services because of illness, injury, military leave.
- K. Revise NAC 634.367 to not require chiropractic seminar instructors and DC participants at those seminars to have to get a temporary license to demonstrate adjusting techniques on each other.
- L. NAC 634.385 Continuing education of licenses and holders of certificates. Delete Section 8 the Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.
- M. Modify NAC 634.415 Sections 3 and 4 to allow preceptors to make some treatment and management decisions.
- N. NAC 634.419 was approved to be deleted pursuant to the 2/22/14 Board meeting minutes, however is still published.
- O. Modify NAC 634.530 to allow the names of visiting doctors on the door.
- P. Modify NAC 634.541 to allow in lieu of the name of the DC, a phone number or web page address that clearly identifies the office of the advertiser; the name of the office.
- Q. Delete NAC 634.570 Inclusion of information in list or directory of licensees or chiropractic offices.

Dr. Lurie stated that this continues to be a running list of recommended revisions to NRS and NAC. He asked that each Board member review the items that are currently mentioned and identify those laws that the Board should look at revising. Dr. Lurie asked

that each Board member review the NRS and NAC, as well as, the Board policies and bring them forward for discussion.

Agenda Item 12 Update on FARB Forum – Ms. Mercer - No action

In Ms. Mercer's absence, Mr. Ling stated that they attended the same conference and he covered the updates in agenda item 16.

Agenda Item 13 FCLB/NBCE Matters – For possible action

A. Highlights from District IV

B. Annual FCLB Conference – Phoenix, AZ – April 27- May 1, 2016 – Determine attendees.

Dr. Lurie gave an overview of the District IV meeting. He stated that Dr. Cote reported on behalf of the National Board. Dr. Cote stated that the National Board will be going to on-line testing in 2016, and the program will allow users to set up an account to retrieve their individual scores. Dr. Colucci stated that FCLB President, Dr. Grossman, is promoting the PACE program.

Dr. Lurie stated that the next FCLB meeting is scheduled for April 27th to May 1st in Phoenix, AZ. Dr. Lurie stated that he and Dr. Colucci would be attending and added Dr. Davis may be in attendance. Dr. Jaeger stated that he is interested, but needed to see if he is available on those dates. Dr. Rovetti asked if the Board needed to determine the delegates. Dr. Lurie reported that Dr. Davis is the delegate for the National Board and Dr. Lurie is the alternate. Dr. Lurie is the delegate for the FCLB and Dr. Davis is the alternate. Mr. Ling stated that the Board cannot vote on changing the delegates since this item was not on the agenda.

Agenda Item 23 Correspondence Report – No action

Ms. Strandberg confirmed there were no correspondence reports.

Agenda Item 24 Board Member Comments – No action

The Board members welcomed Dr. Jaeger and thanked him for his contribution to the hearing before the Board today. Dr. Lurie thanked Mr. Ling and Ms. Strandberg for their efforts. He also thanked the Board for always being prepared and giving sound advice and opinions. Dr. Lurie apologized to the NCA for holding the Board meeting on the same day as their annual meeting and hoped they had a great turnout.

Dr. Jaeger thanked the Board for the opportunity. He also thanked the NCA and NCC for their welcome.

Dr. Lurie reminded the Board to not hit "reply all" to emails as this is a violation to the Nevada Open Meeting Law. Mr. Ling concurred.

Agenda Item 25 Public Interest Comments – No action.

This portion of the meeting is open to the public to speak on any topic NOT on today's agenda and may be limited to 3 minutes.

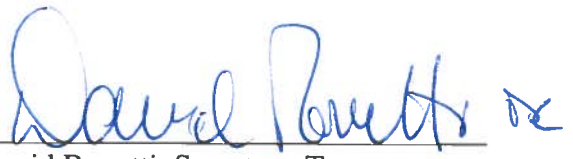
Dr. Lisa Berger stated that she forgot to ask Ms. Strandberg during her agenda item about the CA statistics report. Ms. Strandberg stated that she is working on it and will email the report to Dr. Overland. Dr. Berger stated she felt that the Board handled the hearing very well and that Dr. Jaeger was instrumental.

Agenda Item 26 Adjournment – For possible action

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Dr. Jaeger moved to adjourn the meeting. Dr. Lurie seconded, and the motion passed unanimously.

Approved March 5, 2016



Dr. David Rovetti, Secretary-Treasurer