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STATE OF NEVADA



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TRACY DiFILLIPPO, ESQ
Consumer Member
SHELL MERCER, ESQ
Consumer Member

JULIE STRANDBERG
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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board was held on Saturday, September 26, 2015 at Kietzke Plaza, 4600 Kietzke Lane, Suite B-111, and Reno, NV 89502.

The following Board Members were present at roll call:

Margaret Colucci, DC, Member
Lawrence Davis, DC, Vice President
Tracy DiFillippo, Consumer Member
Benjamin S. Lurie, DC, President
Jack Nolle, DC, Member

Secretary-Treasurer Dr. David Rovetti arrived at 10:12 AM. Consumer Member Shell Mercer was not present. Also present were CPBN Counsel Louis Ling, Executive Director Julie Strandberg, and Licensing Specialist Jennifer Pedigo.

President, Dr. Benjamin Lurie determined a quorum was present and called the meeting to order at 10:00 a.m.

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

Agenda Item 4 Approval to excuse Dr. Lurie as the Compliance Monitor from complaint 14-08S and reassign these duties.

Dr. Lurie recommended that this item be removed from the agenda as he will continue to handle the compliance monitor duties at this time. Dr. Davis moved to approve that Dr. Lurie continue these duties. Dr. Colucci seconded and the motion passed with all in favor.

Agenda Item 5 PUBLIC HEARING for the Permanent Adoption of a Regulation of the Chiropractic Physicians' Board of Nevada – For possible action

Dr. Lurie opened the hearing to adopt the regulation of the Chiropractic Physicians' Board of Nevada to revise NAC 634.014 "precisely controlled force." There was no public comment.

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Dr. Davis moved to approve the adoption of the regulation. Dr. Lurie seconded and the motion passed with all in favor.

Agenda Item 3 Approval of the July 17, 18, 19, 2015 Meeting/Hearing Minutes - For possible action.

Dr. Colucci moved to approve the July 17, 18, and 19, 2015 meeting/hearing minutes. Dr. Nolle seconded and the motion passed with all in favor. Dr. Lurie recommended a revision to Agenda Item 8A.

Agenda Item 6 Discussion/approval of CA application/certification of Heather Smith – For possible action.

Ms. Strandberg reported that Ms. Smith was unable to attend today's meeting due to a family emergency. Dr. Lurie stated that since Ms. Smith's license has expired and she is required to appear before the Board, a letter will be sent to Ms. Smith and to her supervising DC stating that Ms. Smith must cease and desist all CA duties until she comes before the Board. Dr. Lurie asked that this agenda item be tabled until the November 7, 2015 Board meeting.

Agenda Item 8 Ratification of granting of DC licenses to applicants who passed the examinations on July 8, August 12, and September 9, 2015 – For possible action

Dr. Rovetti moved to approve the ratification of granting of the DC licenses to those who passed the examinations on July 8, August 12, and September 9, 2015. Dr. Davis seconded and the motion passed with all in favor.

Agenda Item 9 Ratification of granting of CA certificates to applicants who passed the examination on August 27, 2015 – For possible action

Dr. Rovetti moved to approve the ratification of granting of the CA Certificates to those who passed the examination on August 27, 2015. Dr. Nolle seconded and the motion passed with all in favor.

Agenda Item 7 Approval of the revisions to the Board policies– For possible action

Ms. Strandberg provided the Board with revisions to three sections of the Board policies as follows:

1. Chapter 3 – Compensation of salary to Board Members and per diem allowance and travel expenses to Board Members and employees. Section H of this section was revised to include, "upon approval by the Board." Section H now reads, A Board member may travel outside the 30 mile requirement of their principle station at the Board's expense upon approval of the Board. Section J was revised to omit comp time off and replaced with flex-time off associated with attending Board meetings.
2. Chapter 8 – Public notice posting of disciplinary actions and conditional licenses granted. This section was revised to include, "of the signed Settlement Agreement/Order" to indicate disciplinary actions will be mailed within 30 days of the signed Settlement Agreement/Order.
3. Chapter 12 – Test Results. This section was revised in accordance with the revisions to the DC application letter, which states, "Applicants will be notified in writing of their test scores within 10 working days."

Dr. Rovetti moved to approve the revisions to the Board policies. Dr. Davis seconded and the motion passed with all in favor.

Agenda Item 13 Discussion/approval to waive the “Licensing Fee” of a Temporary License when the applicant is providing chiropractic care with no remuneration.

Dr. Rovetti reported that Assembly Bill 231 passed during the 2015 Legislative Session and provides no cost for the temporary “application” to those providing chiropractic on a charity basis or no remuneration. Dr. Rovetti stated that the Nevada Administrative Code (NAC) calls for a “license” fee of \$50.00, but there is no provision for a licensing fee in the Nevada Revised Statute. Dr. Rovetti stated that the intent of the 2015 legislation was to have a no-charge temporary license for charity. Dr. Rovetti moved to waive the “licensing” fee to DC’s who are granted a temporary license for the purpose of providing chiropractic care on a charity basis. After further discussion, Dr. Lurie stated that without a regulation workshop the fee is still under the state regulation, so it would be necessary for the Board to revise the NAC 634.200 to officially waive the \$50.00 licensing fee.

Dr. Nolle recommended that the application be revised to specify whether the applicant is providing chiropractic on a voluntary or non-voluntary basis.

Mr. Ling clarified that pursuant to AB 231 it is mandatory that the Temporary License application fee be waived. However, Regulation does not allow the Board to waive the licensing fee. Mr. Ling suggested that this matter be added to the Board’s list of regulatory changes.

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 11-8S (Ms. Mercer)

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

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

This complaint was received from a Federal Government agency. A website stated an individual was a licensed chiropractor in the State of Nevada. Our records show he is not. Mr. Ling prepared and issued a citation which is being disputed by this individual and his attorney. The Board received notification from the attorney stating that the individual is not the owner of this website. Dr. Lurie noted that the contact information linked to the website goes to a PO Box, and there is no answer at the telephone number listed. Dr. Lurie spoke to the DC, who is a licensed chiropractor in Michigan. He indicated he is doing work in Las Vegas for a genetic testing, bio-markers company, but is not working as a chiropractor. The Advantage Group was hired to follow the individual to determine whether he was conducting mobile chiropractic. There was no suspicious activity found. Mr. Ling stated that he will talk to the Attorney to find a way to bring the website down. Mr. Ling indicated that this complaint will come back before the Board at the November 7, 2015 meeting.

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

Dr. Colucci reported that this complaint is set for hearing. Mr. Ling stated that a citation was issued and the defendant appealed, so this case will be presented before the Board at its November 7, 2015 meeting in Las Vegas.

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

Ms. DiFillippo reported that this complaint is still under investigation. The complainant stated that the DC was operating a mobile chiropractic practice while collecting Social Security/Disability. Ms. DiFillippo has been working with Mr. Ling to find a ways to investigate.

E. Complaint 15-08N(Outside IBM)

Mr. Ling stated that he has been working with Dr. Youngblood on a settlement agreement which was presented to the DC. However, there was no response from the DC. This case will be moved to a hearing at the next Board meeting in Reno. Mr. Ling stated that this is not an on-going issue and there is no exposure to harming the public.

F. Complaint 15-10S (Dr. Lurie)

Dr. Lurie reported that this complaint was filed by a patient who has filed over 109 small claims court cases against doctors and other people. The complainant stated that he was misdiagnosed. The patient was also unhappy because the DC didn't take more of a fee reduction on his personal injury case, so the patient filed a malpractice complaint in small claims court. The DC's attorney responded to the complaint and reached a settlement with the complainant to reduce the fees associated with the personal injury case with the understanding that the complainant would pay the remainder due. Upon final payment, the complainant would then dismiss the case. Dr. Lurie stated that the practice and charts are up to standard and recommended dismissal of this complaint. Dr. Nolle moved to dismiss complaint 15-10S. Dr. Rovetti seconded and the motion passed with all in favor except Dr. Lurie who recused himself as the Investigating Board Member.

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

Dr. Rovetti reported that this complaint was filed by a physical therapist who was terminated from a multi-discipline practice. The complaint was initially filed to the Medical Board against the owner, who is a medical doctor, for issues related to Medicare fraud. There are two DC's in this practice and they have a management company. One DC oversees the management and initial consultations for the practice, and the other DC handles the billing. Neither doctor participate in the examination, diagnosis or treatment of patients. Dr. Rovetti thoroughly inspected the office and spoke to the managing DC. The DC indicated that he does not own the practice and is paid a straight salary. The DC stated that all billing is filed under the MD's license. The Medical Board is looking into the MD's procedures and practice model and, according to the DC, have not completed their investigation. It is understood that Medicare is looking into matters regarding the billings. Dr. Rovetti reminded the DC that the self-inspection should include everyone working within the walls of the practice. He requested and has since received an updated self-inspection form indicating all health care personnel in the office. Since the practice is owned by the MD, and there doesn't appear to be any practice violations pursuant to Nevada Revised Statute or the Nevada Administrative Code 634, Dr. Rovetti recommended dismissal of this complaint.

Mr. Ling stated that if billing fraud is taking place, it would seem as though the DC's would be aware of this since one is managing the operation and one is handling the bills. Following additional discussion relative to the relationship between the DC's and the billings, Mr. Ling stated that while this wouldn't be chiropractic fraud, it is possible the DC's could be perpetrating the fraud. Dr. Rovetti recommended this complaint be kept on hold pending the outcome of the Medical Board's investigation.

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

Dr. Rovetti stated to table complaint 15-13S until the November 7, 2015 Board meeting.

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

Dr. Rovetti reported that following an auto accident the complainant was referred to this practice by an attorney. The complainant indicated that she was injured by both DC's in the same practice. Following a neck and back adjustment, the complainant had pain on the right side of the neck. The complainant returned ten days later and saw the other DC in the practice. She woke up the next day in excruciating pain and her right arm did not go up past the waist. Dr. Rovetti stated that the patients file has been requested from the chiropractic office and the investigation will continue upon receipt.

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

Dr. Nolle reported that he and Mr. Ling are working on this complaint. There appears to be domestic issues in this case since the complaint comes from an ex-husband. The allegation is that the DC is treating the patient while being engaged in a relationship. However, Dr. Nolle stated that he hasn't established that there is a doctor - patient relationship or that treatment has been provided. If that is not established, there doesn't appear to be grounds for discipline. Dr. Nolle stated that this case is still under investigation.

K. Complaint 15-23S (Dr. Rovetti)

Dr. Rovetti stated that this is an advertisement complaint where a DC is conducting a seminar on depression and anxiety, and at our July 17, 2015 meeting the Board requested to see the curriculum on the seminar. Dr. Rovetti reported that the DC doesn't have a curriculum for this seminar, but simply recommends vitamins and nutrition. The DC reported that he will no longer be conducting this seminar. Dr. Rovetti recommended that this complaint be dismissed. Dr. Colucci moved to dismiss complaint 15-23S. Ms. DiFillippo seconded and the motion passed with all in favor except Dr. Rovetti who recused himself as the Investigating Board Member as well as Dr. Lurie who was versed in this complaint.

L. Complaint 15-24S (Dr. Colucci)

Dr. Colucci reported that this complaint was received from a patient who was treated by a DC for a personal injury case which was ceased by the patient following a string of text messages received from the DC. The patient stated there was no inappropriate contact in the office nor did they have contact at any other time. However, the patient indicated she now suffers from post-traumatic stress syndrome. Since the DC did not violate Nevada Revised Statute or the Nevada Administrative Code 634, Dr. Colucci

recommended that this complaint be dismissed with a letter to the complainant and to the DC. Dr. Rovetti moved to dismiss complaint 15-24S. Dr. Lurie seconded and the motion passed with all in favor except Dr. Colucci who recused herself as the Investigating Board Member.

M. Complaint 15-25N (Dr. Davis) 54.22

Dr. Davis reported that this complaint was received from a terminated employee who felt there were boundary issues with the DC and complained of a hostile work environment. In a conversation between Dr. Davis and the complainant, the complainant stated there were no witnesses. At which point, Dr. Davis indicated that in order to discipline a DC there has to be proof, which she cannot provide. Subsequently, the complainant reached out to a previous employee who provided documentation indicating a hostile work environment, but had not witnessed anything pertaining to our complainant. Dr. Davis recommended that this complaint be dismissed. Dr. Rovetti moved to dismiss complaint 15-25N. Ms. DiFillippo seconded and the motion passed with all in favor except Dr. Davis who recused himself as the Investigating Board Member.

Agenda Item 17 Discussion on how the Board will address AB 295 as it relates to wellness services provided by an unlicensed person working in a DC's office. – For possible action

Mr. Ling stated that the intent of Assembly Bill 295 is to allow specific groups of people who engage in and advertise for various kinds of healing professions, to do so without being licensed. Ultimately, this bill states that you can practice therapies that may be within the jurisdiction of one or more of the licensing boards. Mr. Ling summarized the bill and reported that as long as the individuals don't engage in the concrete acts not authorized and are not diagnosing, they do not have to be licensed. Dr. Lurie questioned, what is the DC's jurisdiction as it relates to non-licensed individuals working IN a DC's office? Dr. Lurie asked if the DC is allowed to direct the unlicensed staff or are they required to be independent of the DC? Mr. Ling indicated there is no answer to that question. After further discussion, Mr. Ling stated that as these types of advertisements are seen, the Board should compile them in the event the Board needs to address the advertisements now or possibly during the next legislative session.

Agenda Item 18 Discussion/approval of Board attendance at the FARB Forum – For possible action

Dr. Lurie stated that Ms. Mercer would be attending the FARB Forum October 1-4, 2015 in Denver, CO. Mr. Ling stated that he will also be in attendance.

Dr. Lurie reported that the next FARB Forum will be held January 28-31, 2016 in Clearwater Beach, FL. Dr. Lurie moved to approve the attendance of either Ms. DiFillippo or Ms. Mercer at the January FARB Forum. Dr. Rovetti seconded and the motion passed with all in favor.

Agenda Item 19 FCLB/NBCE Matters – No action

Dr. Lurie stated that the FCLB District meeting will be held October 1-4 in Coeur d'Alene, ID and Dr. Lurie, Dr. Colucci, and Ms. Strandberg will be in attendance.

Dr. Davis commented on the New Orleans FCLB conference. He stated that one of the break-out groups provided good discussion topics. He recommended that the Board may be interested in taking ten minutes during a Board meeting to discuss different topics. Ms.

Strandberg will put the questions together to take approximately ten minutes per meeting to discuss a specific topic. Dr. Davis also commented on Dr. Janse's speech. He was concerned as to why there was such an emphasis on State Board's allowing drugs and surgery in chiropractic.

Agenda Item 10 Discussion only on the Nevada Chiropractic Association's (NCA) correspondence regarding spinal manipulation seminars. – No action

Mr. Ling reported that when seminars similar to Ken Cooper's Spinal Manipulation seminar come up, it instigates the ongoing issue between the Doctor of Chiropractic's scope of work and the Physical Therapist's scope of work. Mr. Ling stated that Dr. Overland, President of the NCA, brought the information on Ken Cooper's Spinal Manipulation seminar to the Board's attention. Mr. Ling stated that this particular seminar is targeted to Physical Therapists and Athletic Trainers. His advice to the Board was to be cautious, as it could be seen as trying to engage in anti-trust or anti-competitive activity since the instructor is not advertising that he is teaching chiropractic. The Board recommended that the NCA look into this particular seminar.

Dr. Overland began his testimony with, "Houston we have a problem." The Chiropractic profession needs to start looking at what the Physical Therapists are trying to do and who they are training. Dr. Overland stated that since the Board made the decision to not address Ken Cooper's seminar, the NCA decided they needed to. Dr. Overland stated that he met with the NCA's attorney and a cease and desist letter was sent to Ken Cooper based on performing chiropractic in Nevada without a temporary license. Dr. Overland stated that the NCA's attorney also sent a letter to the Athletic Trainers Board indicating that the attendees may be in violation of the law.

Dr. Overland reported that he contacted the President of the Chiropractic Association in the State of Texas where Ken Cooper is licensed as a DC and a PT. He also contacted the Chiropractic Associations in the states where Ken Cooper is teaching his spinal manipulation course to find out what they are doing as it relates to Physical Therapists. Based on his discussions with the other states, they have had a difficult time making progress in drawing the line between the Chiropractic scope of practice and the Physical Therapists scope of practice. Dr. Overland stated that he contacted the Nevada State Board of Physical Therapy Examiners (NSBPTE) to verify whether they were giving continuing education credits for Ken Cooper's seminar in Nevada and the NSBPTE advised they were not. However, Ken Cooper was certified through a National Association to give 15 hours of continuing education credits to each attendee.

Dr. Lurie asked Dr. Overland if he had talked with his colleague, Dr. McKivigan who sits on the NSBPTE Board and is a licensed DC and PT as to what his concerns are. Dr. Overland stated that he spoke to the Dean of the PT school as well as Dr. McKivigan and they are teaching spinal manipulation and will continue to do so. Dr. McKivigan stated that the NSBPTE Boards' concern is to ensure PT's are knowledgeable enough to not hurt individuals, because spinal manipulation is not going away. Currently, only Doctors of PT are allowed to perform spinal manipulation, but spinal manipulation courses are being taught to undergraduates. Dr. Overland stated that the NCA and the PT school will continue holding meetings.

Dr. Overland stated that he will be submitting a formal complaint to the CPBN on behalf of the NCA with respect to Ken Cooper not securing a temporary license for his seminar. Dr. Colucci questioned whether the NCA would also be submitting a complaint to the PT Board. Dr. Overland stated they will, but it will fall on deaf ears. Dr. Lurie stated that if a complaint is going to be filed, it not only needs to be addressed to the CPBN, but to the PT's and to the Athletic Trainers.

Dr. Lurie reported that he recently saw a patient who was adjusted by a Physical Therapist, so he is working with the patient to file a complaint. After further discussion, Mr. Ling stated that it's going to be important for the Board to choose its battles to ensure the Board can

win. Dr. Overland stated that he wanted to be sure this complaint would be taken seriously. Dr. Lurie stated this complaint will be taken seriously, just as all complaints are that are submitted to the Board.

Agenda Item 12 Discussion/determination as to the scope of practice of a Chiropractor's Assistant with regard to massage therapy – For possible action

Mr. Ling opened that a CA may do massage on an area of a patient's body utilizing a mechanical vibration, impulse devices, or manual pressure and massage work as long as the area of the body being worked on is a focal area of concern for the supervising DC and not a full, general, non-focal, relaxation-type massage.

Mr. Ling reported that he contacted the Executive Director for the Massage Board and for disclosure purposes Mr. Ling stated that he also represents the Massage Board. Mr. Ling spoke to Lisa Cooper, who referenced NRS 640C.100 (1) (a), which states who must be licensed as a massage therapist and who does not. When this statute was created they were very particular about using the word, "licensed," so without a "license" you cannot perform massage therapy. Chiropractic Assistant's performing massage therapy are required to be licensed by the Massage Board.

Agenda Item 28 NCA Report – No action

Dr. Overland stated he would like to know how many Chiropractor's Assistants passed the exam. Mr. Ling stated there were 35 with a 55% pass rate.

Dr. Overland stated that the Council on Orthopedics recently adopted a new approach to the testing of their applicants to utilize psychometric evaluations of the test questions. Dr. Overland recommended that the CPBN look at using a psychometric analysis of their test questions.

Dr. Overland stated the annual NCA conference is being held in Reno, November 7-8, 2015.

Dr. Overland stated that the NCA will be the co-sponsor for the first 100-hour Functional Medicine Diplomate program.

Dr. Overland stated that the NCA supported Clark County Metro Joseph Lombardo who became Sheriff over Larry Burns. Dr. Overland, on behalf of the NCA and at the request of Sheriff Lombardo, testified in front of the Clark County Commission to support putting approximately 130 to 135 more officers on the street to be able to respond to calls appropriately and were successful.

Agenda Item 29 NCC Report – No action

Dr. Neil Crowley, Treasurer, was present and reported on behalf of the Nevada Chiropractic Council (NCC). He reported that the NCC continues to create new membership and has two new sponsors, ProSports Chiropractic and Universal Tractioning System. In addition, the NCC is awaiting official incorporation. The Board asked questions of Dr. Crowley who stated that since he was not the founder of the NCC, he would defer the questions to the founding board.

Agenda Item 11 Discussion/approval of revisions made to forms relative to the Chiropractic Physicians Board of Nevada - For possible action

Dr. Rovetti reviewed the revisions with the Board cover letters and forms listed below.

1. Self-Inspection letter and form

Additional revisions will be made and brought before the November 7, 2015 Board meeting.

2. Temporary License letter and application

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Additional revisions will be made and brought before the November 7, 2015 Board meeting.

3. Complaint letter and form

Dr. Lurie moved to approve the revisions made to the complaint letter and form. Dr. Rovetti seconded and the motion passed with all in favor.

4. Letter to DC Applicant

Dr. Lurie moved to approve the revisions made to the letter to the DC Applicant. Dr. Colucci seconded and the motion passed with all in favor.

5. Request for Application Package

Dr. Lurie moved to approve the revisions made to the Request for DC Application Package. Dr. Colucci seconded and the motion passed with all in favor.

6. DC Application

Dr. Lurie moved to approve the revisions made to the DC Application. Dr. Nolle seconded and the motion passed with all in favor.

7. Moral Character Reference Information

Dr. Lurie moved to approve the revisions made to the Moral Character Reference Information. Dr. Colucci seconded and the motion passed with all in favor.

8. CA Application

Dr. Lurie moved to approve the revisions made to the CA Application. Dr. Colucci seconded and the motion passed with all in favor.

Agenda Item 20 Annual Board Counsel Evaluation - For possible action

Dr. Rovetti summarized the results of the Board Members' evaluations of Board Council Louis Ling. He read the comments which were all positive.

Agenda Item 21 Six-Month Executive Director evaluation – For possible action

Dr. Rovetti summarized the results of the Board Members' evaluations of the Executive Director Julie Strandberg. He read the comments which were all positive. However it was noted that improvement in some areas are needed. Dr. Lurie made a motion to approve a \$3,000 increase which was indicated in Ms. Strandberg's employment agreement following her six-month evaluation.

Agenda Item 22 Committee Reports

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

Dr. Davis stated everything is going well.

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

Dr. Lurie stated that he is having a meeting with Mendy Elliott with Capitol Partners on Tuesday, September 29, 2015.

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

Dr. Rovetti stated that the Board currently has two active Preceptors.

D. Test Committee (Dr. Nolle): Approve revised Chiropractor's Assistant examination – For possible action

Dr. Nolle reported that he has been researching on-line testing platforms and has a webinar scheduled to view a demonstration with Kriterion. Dr. Nolle provided the details from his initial conversation with Kriterion, indicating that the initial set-up cost would be \$20,000, and \$10,000 annually as well as a per-use-fee. This company offers many testing options utilizing secure testing locations in Las Vegas, Reno, Pahrump, Ely, and Winnemucca and at-home via a web-cam.

Agenda Item 30 Correspondence Report – No action

A. Board of Physical Therapy Examiners, May 21, 2015 meeting – Chiropractic Physicians’ Board of Nevada letter

Ms. Strandberg provided a summary of the Physical Therapy Board’s response letter which stated that they received the Board’s request to deny approval of the SMT-1: High Velocity Low-Amplitude Thrust Manipulation of Cervical Thoracic, Lumbar, & SI Joint and Spinal Manipulation 1: A Physical Therapy Approach. However, the courses were approved.

B. NCA Inquiry – Can a Physician’s Assistant adjust?

Dr. Overland stated that he had patients in his office who indicated they had Physician’s Assistants (PA) adjustment and manipulate them. The PA’s admitted that they didn’t have any training, but were told by the MD that they were authorized to do so since they were supervised by a medical physician.

C. NCA Inquiry – Ken Cooper, PT, DC Spinal Manipulation

Dr. Lurie stated that this matter was discussed in Agenda item 10.

Agenda Item 15 Establish exam dates – For possible action

The Board agreed to hold the next Chiropractor’s Assistant (CA) examination on February 25, 2016. Dr. Lurie clarified that the February CA exam would not include the X-Ray oral portion, but those questions would be part of the CA exam. The 2016 jurisprudence exams for DC’s will continue to be held on the second Wednesday of each month.

Agenda Item 23 Board Counsel Report – No action

Mr. Ling reported that a petition for judicial review was not filed in the Matter of Dr. Timothy Francis.

Mr. Ling reported that the audit was completed in the Matter of Dr. Devin Luzod and the letter was sent to Dr. Luzod and his counsel informing them of the process that took place and the total costs owed back to patients, which totaled \$1.2 million.

Mr. Ling reported that he will be attending FARB in Denver, CO, October 1-4, 2015 and thanked the Board for paying for a quarter of his travel costs. He indicated this meeting should provide guidelines as to how the ruling in the North Carolina Dental Board could affect Nevada and what steps need to be taken to come up with a solution.

Mr. Ling also reported that former Attorney General employees, Keith Marcher and Colleen Platt have departed and have formed a law firm together.

Agenda Item 24 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. Dr. Lurie inquired whether the Board is receiving compliance reports timely from those individuals that are required to report. Ms. Strandberg advised they were. However, she will follow-up to ensure everyone is in compliance.

Agenda Item 25 Financial Status Reports – No action

- A. Current cash position**
- B. Accounts Receivable Summary**
- C. Accounts Payable Summary**
- D. Income/Expense Actual to Budget Comparison as of July 31, 2016**
- E. Extraordinary Items**

Dr. Rovetti provided an overall summary of the financial status and indicated that the Board is in a positive position.

Agenda Item 26 Establish CPBN Facebook/Twitter account for posting and tweeting of updates – For possible action

Dr. Lurie proposed to establish a Facebook Page based on the legislation that passed during the 2015 Legislative Session promoting social media. Dr. Lurie recommended approval to create a Facebook Page to post specific Board information. Dr. Rovetti moved to approve the creation of a Facebook Page. Dr. Lurie seconded and the motion passed with all in favor.

Agenda Item 14 Discussion/determination of the 2016 Board Meeting Schedule – For possible action

The Board agreed to hold the first meeting of 2016 in Reno on March 5, 2016. The remaining 2016 Board meeting dates will be scheduled at the November 7, 2015 meeting.

Agenda Item 31 Board Member Comments – No action

The Board Members gave their thanks and appreciation to Dr. Nolle for his service to the Board.

Agenda Item 32 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. Overland thanked Dr. Nolle for his dedication and service. He also gave his condolences to Dr. Davis for the loss of his wife.

Dr. Crowley also gave his condolences to Dr. Davis.

Agenda Item 27 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. NAC 634.419 was approved to be deleted pursuant to the 2/22/14 Board meeting minutes, however is still published.**
- C. NAC 634.330 was recommended for revision pursuant to the 9/6/14 Board meeting minutes, however no action was taken.**
- D. NAC 630.390 was recommended for revision pursuant to the 9/6/14 Board meeting minutes, however no action was taken.**
- E. 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.**
- F. Establish rules relative to Reciprocity. This change may require change at the next Rulemaking meeting.**

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Dr. Lurie stated that this list will continue to grow as the Board determines items that require a ruling workshop.

Agenda Item 33 Adjournment – For possible action

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

Approved November 7, 2015



Dr. David Rovetti, Secretary-Treasurer