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Vice President
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Secretary-Treasurer

STATE OF NEVADA



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Member
DAVID G. ROVETTI, DC
Member
TRACY DiFILLIPPO, ESQ
Consumer Member
SHELL MERCER, ESQ
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, March 5, 2016 at the Kietzke Plaza, 4600 Kietzke Lane, Suite B-111, Reno, NV 89502.

The following Board Members were present at roll call:

Benjamin Lurie, DC, President
Lawrence Davis, DC, Vice President
Jason O. Jaeger, DC, Member
Maggie Colucci, DC, Member
Tracy DiFillippo, Consumer Member

Secretary-Treasurer, David G. Rovetti, DC and Consumer Member, Shell Mercer were not present. Also present were CPBN Counsel Louis Ling, Senior Deputy Attorney General Henna Rasul, and Executive Director Julie Strandberg.

President, Dr. Benjamin Lurie determined a quorum was present and called the meeting to order at 8:30 a.m.

Vice President, Dr. Lawrence Davis led those present in the Pledge of Allegiance. Dr. Jaeger 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. Lurie moved to approve the agenda. Dr. Davis seconded, and the motion passed with all in favor.

Agenda Item 5 Approval of the November 7, 2015 Meeting Minutes - For possible action.

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

Agenda Item 6 Ratification of granting of DC licenses to applicants who passed the examination on December 9, January 13, and February 10, 2016 – For possible action.

Ms. DiFillippo moved to approve the ratification of granting of the DC licenses to those who passed the examination on December 9, January 13, and February 10, 2016. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 7 Ratification of granting of CA certificates to applicants who passed the examination on February 25, 2016 - For possible action.

Dr. Davis moved to approve the ratification of granting the CA certificates to those who passed the examination on February 25, 2016. Dr. Lurie seconded, and the motion passed with all in favor.

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

This report was tabled until the June 4, 2016 meeting.

Agenda Item 21 Report on Parker Seminar - No action.

Dr. Lurie stated that he attended the Parker Seminar at the Mandalay Bay Hotel in Las Vegas, Nevada.

Dr. Colucci stated that the 2017 Parker Seminar will be held in February at the Paris in Las Vegas, Nevada.

Agenda Item 3 PUBLIC HEARING for the 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 NRS 634.014 "precisely controlled force." There was no public comment.

Dr. Jaeger moved to approve the adoption of the regulation. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 11 Discussion/approval of Board Members and Julie Strandberg to attend the FCLB District meeting October 2016 in Colorado Springs, CO – For possible action.

Dr. Lurie stated that this is the approval of two Board Members and Julie Strandberg to attend the Federation of Chiropractic Licensing Board's conference for Districts I and IV in Colorado Springs, CO. Dr. Davis and Dr. Jaeger indicated that they would like to attend. Dr. Colucci will attend as an FCLB Board Member and Dr. Lurie will attend. Dr. Davis made a motion to approve Julie Strandberg's attendance. Ms. DiFillippo moved to approve the attendance of Dr. Davis, Dr. Jaeger, and Julie Strandberg. Dr. Lurie seconded, and the motion passed with all in favor.

Agenda Item 4 Discussion/possible action in the Matter of Paul Rovetti, DC, Complaint 15-08N – 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 Dr. Rovetti)

Dr. Lurie stated that this is the hearing in the Matter of Paul Rovetti, DC, License Number B00328, Complaint 15-08N, for possible action. Dr. Lurie introduced Henna Rasul, Senior Deputy Attorney General. For clarification, Dr. Paul Rovetti named in this matter is not the same person as the Board Member, Dr. David Rovetti.

Mr. Ling stated that he met with Dr. Rovetti to present the exhibits that the Board would like to introduce and Dr. Rovetti was in agreement. The exhibits were passed out to the Board Members and were identified as Exhibits 1 through 6. Mr. Ling stated that he did not have an opening statement as this situation is very straight forward and indicated that Julie Strandberg would be his sole witness.

Dr. Rovetti gave his opening statement. Dr. Rovetti stated that this complaint comes from his son's mother. Dr. Rovetti stated that he did not receive the cease and desist letter sent by the Board that was signed by the office secretary, which is why he was delinquent in responding to the Boards' requests.

The Boards' Executive Director for the Chiropractic Physicians' Board of Nevada, Julie Strandberg was sworn in and began her testimony with questions from Mr. Ling. Ms. Strandberg stated that she is employed by the Chiropractic Physicians' Board of Nevada as the Executive Director and indicated that one of her duties is to oversee the renewal of the DC's licenses. Ms. Strandberg stated that renewals were to be completed by December 31, 2014 at 11:59 PM and must include 36 hours of continuing education. Ms. Strandberg stated that Dr. Rovetti submitted his renewal on December 31, 2015; however, he did not submit 36 hours of continuing education. Ms. Strandberg stated that Dr. Rovetti then paid the \$500 late fee on February 13, 2015 and the total of 36 hours of continuing education was submitted on April 14, 2015. Mr. Ling confirmed with Ms. Strandberg that between January and April 2015 Dr. Rovetti had not submitted all 36 hours of continuing education, at which point his license was in a suspended status and was treated as if he had not renewed his license. Mr. Ling confirmed with Ms. Strandberg that on March 24, 2015 a cease and desist letter was sent via certified mail which was received by staff in Dr. Rovetti's office. Mr. Ling confirmed with Ms. Strandberg that the letters sent to Dr. Rovetti were sent to his mailing address on file with the Board office and were mailed certified with confirmation received, with the exception of the letter dated October 15, 2015. Mr. Ling also confirmed with Ms. Strandberg that the signatures on the letters were hers. Mr. Ling confirmed with Ms. Strandberg that Dr. Rovetti came into the Board office on April 14, 2015 to provide the remaining 7 hours of continuing education required to complete his license. Mr. Ling confirmed with Ms. Strandberg that the Board received a complaint indicating that Dr. Rovetti was practicing while his license was suspended. Ms. Strandberg stated that the complaint was assigned to Dr. Stephanie Youngblood who initiated an investigation by requesting patient records from Dr. Rovetti. Dr. Youngblood sent emails and made telephone calls with no response. Mr. Ling confirmed with Ms. Strandberg that Dr. Rovetti then faxed his appointment book to include dates, times and patient names. Ms. Strandberg stated that Dr. Youngblood still wanted to see the actual patient records to include any supporting documentation, the explanation of benefits, billings, etc. Mr. Ling confirmed with Ms. Strandberg that Dr. Youngblood attempted to negotiate a resolution with Dr. Rovetti, however received no response. Ms. Strandberg stated that she was then directed by Dr. Youngblood to send certified letters requesting the patients' treatment and billing records, including insurance billings and explanation of benefits, which were sent to Dr. Rovetti on September 21, 2015 and October 15, 2015 to the mailing address on file with the Board. Mr. Ling confirmed with Ms. Strandberg that as a result of this letter there was still no response from Dr. Rovetti. Ms. Strandberg stated that as a result of not receiving a response from Dr. Rovetti regarding both the September 21, 2015 and the October 2015 letter, Dr. Youngblood filed a complaint pursuant to NAC 634.430, failure to make any report or record available to the Board upon request. Mr. Ling confirmed with Ms. Strandberg that on October 22, 2015 a certified letter was sent to Dr. Rovetti notifying him of the complaint filed by Dr. Youngblood. Ms. Strandberg stated that Dr. Rovetti responded to the October 22, 2015 letter by faxing a hand-written list of patients and dollar amounts, which is all of the correspondence received by the Board from Dr. Rovetti as it related to patient records.

Questioning was turned over to the Board to ask of Ms. Strandberg.

Dr. Rovetti opened his cross-examination of Ms. Strandberg.

Mr. Ling followed up with Dr. Rovetti to clarify his cross-examination with Ms. Strandberg.

Questioning was then turned over to the Board to ask of Mr. Ling.

Dr. Rovetti, representing himself, was sworn in, and began his testimony. Dr. Rovetti stated his conversations with Dr. Youngblood were sparse, but he did not avoid having a conversation with her. Dr. Rovetti stated that he did have a conversation with Dr. Youngblood

during this period of time concerning possible implications of other charges or actions that may come up in lieu of the complaint that was filed. Dr. Rovetti stated that Dr. Youngblood indicated that if he treated patients, knowing that he received a cease and desist letter, but that it was in the best interest of his patients, there would possibly be a small fine involved. Dr. Rovetti stated that as previously mentioned, he did not obtain the certified letter to cease and desist. Dr. Rovetti stated that between that conversation and the letters he didn't have any other discussions with Dr. Youngblood. Dr. Rovetti stated that he provided sparse records to prove that he doesn't see many patients and hoped the Board would consider this when determining a fine. Dr. Rovetti referred to his fax cover page which stated, "Further records upon request." Dr. Rovetti stated that he didn't receive anything further, so he didn't provide anything further. Dr. Rovetti stated that he operates a cash practice.

Mr. Ling began his cross examination of Dr. Rovetti.

Questioning was turned over to Dr. Rovetti. Dr. Rovetti stated that he didn't have anything further since Dr. Youngblood was not present.

Questioning was turned over to the Board to ask of Dr. Rovetti.

Mr. Ling began his closing arguments, stating that this is a case of administrative frustration and the Board wouldn't be here today if Dr. Rovetti would have responded to the Boards' requests. On December 31, 2015 the Board received Dr. Rovetti's incomplete application. Six weeks later Dr. Rovetti paid the \$500.00 late fee, at which point he still didn't have the 36 hours of continuing education completed. On March 24, 2015 the Board sent a certified letter to Dr. Rovetti indicating that his file had been reviewed and was still lacking 36 hours of continuing education. The Board sent a cease and desist letter, which Dr. Rovetti indicates he didn't receive, however certified return receipt card signed by staff in his office and returned to the Board office. Mr. Ling stated that the Board did what it could legally, to notify Dr. Rovetti. Dr. Rovetti then provided the list of patients treated while his license was in an expired status, which is the first cause of action. Dr. Rovetti was treating patients during the period of time that he did not have a valid license. The Board sent a letter to Dr. Rovetti in September asking for the patient's treatment and billing records, which Dr. Rovetti stated that he did receive. A follow-up letter was sent in October, which he stated he did not receive. Although Dr. Rovetti stated that he didn't get the October letter a week later the Board received a fax from Dr. Rovetti to include the records, which is all that was received. Mr. Ling stated that the document faxed by Dr. Rovetti was not treatment records, but a list of dates, patients treated, and amounts paid. While Dr. Rovetti indicated that he has the patient records he didn't provide them to the Board.

Mr. Ling stated that Dr. Rovetti violated the first cause of action. Dr. Rovetti submitted his application for the 2015-2016 renewal without having the requisite 36 hours of continuing education.

The second cause of action is charging Dr. Rovetti with practicing chiropractic during the period in which he was working while his license was expired.

The third cause of action charges Dr. Rovetti with making and maintaining inadequate medical records. The third cause of action is based on what Dr. Rovetti represented to the Board (Exhibit 6) as being the records in compliance with the letter that requested his treatment and billing records. Mr. Ling stated that the documents provided were inadequate and do not represent valid billing records nor treatment records.

Dr. Rovetti gave his closing statement. Dr. Rovetti stated that he did receive all correspondence with the exception of the cease and desist letter. Dr. Rovetti stated that he believed he had submitted the requisite 36 hours of continuing education. Dr. Rovetti stated his financial constraints lead to the difficulty of the completion of his continuing education and him

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submitting his renewal at the last minute. Dr. Rovetti stated that he has never put his patients at risk and tries to do the best that he can for his patients. He admitted that he has been disorganized, which has been caused by personal circumstances.

Dr. Lurie stated that the first cause of action, by submitting his 2015-16 renewal application without having completed the requisite 36 hours of continuing education, Dr. Rovetti violated Nevada Revised Statute (NRS) 634.018(1), and/or NRS 634.018(10), and/or NRS 634.018(11), and/or NRS 634.130(3), and/or NRS 634.140(1). Senior Deputy Attorney General, Henna Rasul recommended that the Board may want to state a finding that the facts were proven. Dr. Lurie stated paragraphs 1 through 7 were factual. Dr. Jaeger moved to approve that paragraphs 1 through 7 were factual. Ms. DiFillippo seconded, and the motion passed with all in favor.

Dr. Lurie asked whether the Board believed that Dr. Rovetti was in violation of the first cause of action. Dr. Davis moved that Dr. Paul Rovetti was in violation of the first cause of action. Dr. Jaeger seconded, and the motion passed with all in favor.

Dr. Lurie stated the second cause of action, by practicing chiropractic on patients during a period in which his license was expired, Dr. Rovetti violated NRS 634.018(5), and/or NRS 634.018(10), and/or, NRS 634.018(11), and/or NRS 634.018(12), and/or NRS 634.130(9), and/or NRS 634.140(1), and/or Nevada Administrative Code (NAC) 634.430(1)(n).

Ms. DiFillippo moved that Dr. Paul Rovetti was in violation of the second cause of action. Dr. Jaeger seconded, and the motion passed with all in favor.

Dr. Lurie stated the third cause of action, by making and maintaining inadequate medical records regarding patients her treated, Dr. Rovetti violated NRS 634.018(11) and/or NRS 634.140(1), and/or NAC 634.435.

Dr. Jaeger moved that Dr. Paul Rovetti was in violation of the third cause of action. The motion failed with Dr. Jaeger in favor and Dr. Lurie, Dr. Davis, Dr. Colucci, and Ms. DiFillippo voting in opposition. Dr. Lurie stated that the third cause of action was not approved and will not be considered.

Mr. Ling provided the recommendation on behalf of the Investigating Board Member, Dr. Stephanie Youngblood. Dr. Youngblood recommended that the Board consider by way of discipline in this matter, payment of the Boards' fees and costs and pay a fine not to exceed \$2,500. Dr. Youngblood feels that based on the administrative frustration that the Board suspend Dr. Rovetti's license for up to three months.

Dr. Lurie turned the matter over to the Board for deliberation.

Ms. DiFillippo moved that Dr. Rovetti pay the Boards' fees and costs and pay \$1,000 fine within one year, take the Ethics and Boundaries Exam and the Nevada law exam within 90 days, submit quarterly continuing education reports for the next renewal period and a three month suspension of his license, which was stayed and will go into effect if the other requirements are not met. Dr. Colucci seconded. Dr. Lurie asked for any discussion. Dr. Lurie recommended that since this is a renewal year the quarterly continuing education reporting be extended through December 31, 2018 to complete a full cycle. Ms. DiFillippo accepted the amended motion. Dr. Colucci seconded, and the motion passed with all in favor. Dr. Lurie stated that Dr. Dave Rovetti is a Board Member and recused himself from this matter, however he will join us for the remainder of the meeting.

At approximately 11:10 AM Dr. David Rovetti, Secretary-Treasurer joined the meeting.

Agenda Item 15 Legislative Matters - No action.

Mendy Elliott and Peter Krueger were present from Capitol Partners. Mendy Elliott reported on the Assembly and Senate Bills heard during the session and the effects on the Chiropractic Physicians' Board.

Agenda Item 17 NCC Report – No action.

Dr. Brad Pastro was present and gave a brief report on the current activities of the Nevada Chiropractic Council.

Agenda Item 8 Election of Officers – For possible action.

Dr. Lurie announced that an election of officers will be held pursuant to NAC 634.140.

Dr. Lurie opened the nominations for Secretary-Treasurer. Dr. Colucci nominated Dr. Jaeger. Dr. Jaeger was unopposed and accepted the nomination. Dr. Rovetti moved to elect Dr. Jaeger, Secretary-Treasurer. Dr. Lurie seconded, and the motion passed with all in favor.

Nominations were opened for Vice President. Dr. Davis nominated Dr. Colucci. Dr. Rovetti nominated himself. Ms. Strandberg tallied the ballots and announced the result was 5-1. Dr. Davis moved to elect Dr. Colucci, Vice President. Ms. DiFillippo seconded, and the motion passed with all in favor.

Nominations were opened for President. Dr. Davis moved to re-elect Dr. Lurie, President. Dr. Lurie was unopposed. Ms. DiFillippo seconded, and the motion passed with all in favor.

Julie Strandberg introduced the Boards' new Licensing Specialist, Brett Canady who came to us after eleven years with the Medical Board. On behalf of the Board, Dr. Lurie thanked Jennifer Pedigo for her years of service with the Board.

Agenda Item 9 Discussion/approval of Continuing Education requests co-sponsored by other Nevada Boards and Commissions – For possible action.

Dr. Davis stated that the Board received a request for Continuing Education co-sponsored by the Nursing Board. Dr. Davis stated that if a course is sponsored by another State of Nevada Board or Commission and provides value to the practice of Chiropractic the Board should consider allowing DC's to attend these courses. Dr. Davis requested that the regulation be added to the list of revisions.

Agenda Item 13 FCLB/NBCE Matters – For possible action

Dr. Lurie and Dr. Jaeger will participate in the May 13-15, 2016 and November 11-13, 2016 National Board Part IV Examinations. Dr. Lurie moved to approve his and Dr. Jaeger's participation in the National Board Examination. Dr. Colucci seconded, and the motion passed with all in favor.

Dr. Lurie will participate in the June 10 & 11, 2016 National Board Test Committee Meeting unless Dr. Jaeger's schedule clears up and is able to attend. Dr. Lurie moved to approve his attendance at the National Board Committee meeting. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 22 Review of specific advertising to determine whether to allow a licensee to charge more than an advertised price. (NAC 634.556) – For possible action.

Dr. Alan Bader was present by telephone. Dr. Rovetti provided the history of Dr. Bader's advertising violations discovered on his website and in the yellow page advertisement starting in 2014. Dr. Rovetti stated that the Yellow Page advertisement is printed as follows, "Your First Visit

includes an Exam, Treatment, and Physiotherapy for \$55.” Dr. Bader stated that this verbiage was to be omitted, however the Yellow Page staff erroneously printed the page without removing the advertisement. Dr. Rovetti stated that the Board needs to determine if Dr. Bader is required to charge \$55 for the remainder of the year based on this advertisement.

Dr. Bader offered to post a sign in his office indicating that he is not honoring the \$55 first time visit deal as this was an error by the Yellow Page staff. Following discussion, it was determined that since there is not an official complaint before the Board Dr. Bader should take his own corrective action.

Agenda Item 16 NCA Report – No action.

Marlene Lockard, Lobbyist for the NCA was present and gave a legislative update. Dr. Overland was present and reported on behalf of the NCA.

Dr. Overland stated that the NCA is in the second of the third year of the Orthopedic Diplomate program and the final modules will take place in 2017.

Dr. Overland stated that the annual NCA seminar will take place in September 2016.

Dr. Overland reported that Dr. Ken Cooper is continuing to hold seminars geared towards Physical Therapists and Athletic Trainers. Dr. Overland stated that it is understood that the Physical Therapists may have legislative action to change their scope of practice and that the NCA is willing to work with the Board on Legislation if necessary.

Dr. Overland stated that the NCA reached an agreement with the Foundation for Chiropractic Progress to allow a group membership paid for by the NCA.

Dr. Overland stated that the NCA will be testifying before the Discovery Commissioner regarding setting a cap on the fee that chiropractors can charge for a deposition.

Dr. Overland stated that a financial review was completed of the NCA’s financials and was in conformity with the Accounting Standards.

Dr. Overland stated that the LDS, in conjunction with the NCA are working on a pilot program to treat LDS missionaries in Nevada.

Dr. Overland stated that the State of Wisconsin has a group working for prescriptive rights through the College of Medicine, which will be under the Medical Board.

Dr. Overland stated that he wrote a letter to the Board with respect to the CA reference manual for X-Ray. Dr. Overland stated that at a previous meeting, Dr. Nolle reported that the February 2016 CA exam would be based on the ACRRT reference manual and based on that communication the NCA spent \$2,500 to purchase the ACRRT manual. Dr. Lurie clarified that the information provided to the CA’s referenced Yochum and Rowe, which was a clerical error on the Board’s part. The August 2016 exam will reference the ACRRT resource manual. With regards to the February 2016 exam, Dr. Mitchell will be provided with a copy of the ACRRT book to review the exam questions in accordance with the ACRRT reference manual. Dr. Lurie stated that upon review of the questions the candidates will be notified appropriately.

Agenda Item 10 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)

Mr. Ling stated that he and Ms. Mercer discussed closing this case due to the age of the claim. Mr. Ling stated that this case was due to allegations against two DC’s for fraudulent billing to patients that were seen in 2007 and 2008. Mr. Ling stated that the

delay was due to the time it took the prosecuting officials to put the case together. Mr. Ling stated that one DC is no longer practicing and the other is working in another practice. Mr. Ling recommended dismissal of this case due to the age of the complaint. Dr. Lurie moved to dismiss complaint 11-8S. Tracy seconded, and the motion passed with all in favor.

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

Dr. Lurie stated that he and Louis are awaiting information from the individual's attorney relative to the website being removed.

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

Ms. DiFillippo stated this case is ongoing and moving forward.

D. Complaint 15-08N (Outside IBM)

This complaint is against Paul Rovetti, DC, which was heard before the Board today.

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

Dr. Rovetti stated that this case is ongoing based on the investigation by the Medical Board. Julie Strandberg stated that she spoke with the Medical Boards' investigator who indicated that they will recommend the DC go under peer review at their May 2016 meeting. The investigator also stated that the United States Attorney's Office is reviewing this case and will be looking at the DC's involved.

F. Complaint 15-18N (Dr. Lurie)

Dr. Lurie stated that this complaint was passed on to him from Dr. Nolle. Dr. Lurie is waiting to receive clarification from Dr. Nolle.

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

Dr. Lurie stated that the Board has received complaints from three Las Vegas law firms requesting patient records from a DC. However, the DC currently cannot be located. Mr. Ling stated that he would prepare a citation, which will be brought before the Board at its June 4, 2016 meeting.

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

Dr. Lurie stated that this complaint is from the National Insurance Crime Bureau regarding billing, coding, and diagnostic procedure codes. Dr. Lurie reviewed the diagnosis and procedure codes of several patient files and found that the codes matched the procedure(s) and Dr. Lurie recommended dismissal. Tracy moved to dismiss complaint 15-28S. Dr. Rovetti seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member.

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

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

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

Dr. Lurie stated that this complaint is from the National Insurance Crime Bureau regarding billing, coding, and diagnostic procedure codes. Dr. Lurie reviewed twenty files and found that the codes matched the procedure(s) and recommended dismissal. Dr.

Davis moved to dismiss complaint 15-30S. Dr. Jaeger seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member.

K. Complaint 15-31S (Dr. Rovetti)

Dr. Rovetti stated that this complaint is against a DC/PT teaching a Spinal Manipulation seminar taking place in Las Vegas, Nevada in May 2016. Dr. Rovetti explained that, in the past, if an individual was teaching a seminar without a temporary license the Board would give them a warning. Following discussion, Dr. Rovetti recommended to send a letter and include the Attorney General's opinion. Dr. Overland stated that the NCA sent a DC/PT to the seminar. The DC/PT indicated that they heard and witnessed cavitation during the seminar. Dr. Lurie asked that this individual file a complaint with the Board based on what was witnessed. Dr. Overland stated that he will reach out to the individual who attended the seminar.

L. Complaint 15-32S (Dr. Colucci)

Dr. Colucci stated that she discussed this complaint with Mr. Ling. Mr. Ling recommended to dismiss this complaint based on the information provided and refer the complaint to the Physical Therapy Examiners. Ms. DiFillippo moved to dismiss complaint 15-32S. Dr. Davis seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the Investigating Board Member. Dr. Lurie recused himself since he was familiar with this case.

M. Complaint 15-33S (Dr. Colucci)

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

N. Complaint 15-34S (Dr. Rovetti)

Dr. Rovetti stated that this complaint is against the same individual identified in agenda item 10K. Dr. Rovetti stated that the recommendation is to dismiss this complaint with a letter and the Attorney General's opinion.

Dr. Lurie moved to dismiss complaint 15-31S and 15-34S with a letter and the Attorney General's opinion. Dr. Jaeger seconded, and the motion passed with all in favor. Dr. Rovetti recused himself as the Investigating Board Member.

O. Complaint 15-35S (Dr. Colucci)

Dr. Colucci stated that this complaint was brought before the Boards' March 2015 meeting and was dismissed based on the review of the patient file. The complainant re-opened the claim indicating that they were brutally injured by a mechanized device used by the DC. The complainant also stated that they did not sign a consent to treat form. Dr. Colucci talked with the DC and received a photo of the activator used in the treatment as well as the signed consent to treat form. Dr. Davis recommended that Dr. Colucci provide the photo to the patient and gain confirmation of the device used in their treatment. This complaint will remain open.

P. Complaint 16-01S (Dr. Jaeger)

Dr. Jaeger stated that this complaint was filed by a patient alleging that the DC was possibly under the influence of marijuana based on a conversation they overheard while in the office between a staff member and the DC as well as a smell. Dr. Jaeger spoke to the clinic director who identified the DC that committed the alleged offense. Dr. Jaeger

held a meeting with the clinic owner, the office manager, and the DC. Dr. Jaeger was provided documentation that the DC had a license for marijuana for medical purposes and previously had a marijuana card. The DC stated that he had given up his marijuana card and had stopped smoking marijuana as of the New Year. The DC did indicate that they would smoke cigars at lunch and that may have been the smell. The DC also stated that they did not intend to use marijuana for pain. Dr. Jaeger and the DC discussed random drug testing and the DC agreed. Dr. Jaeger recommended that the DC submit random drug tests for a period of three to six months. Mr. Ling stated that since the Board is not disciplining the DC the tests would have to be done voluntarily. Dr. Jaeger recommended that the DC sign an agreement to voluntarily submit random drug tests. The Board would then make a determination once the testing was done. Dr. Lurie moved to approve the recommendation by Dr. Jaeger. Dr. Colucci seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the Investigating Board Member.

Q. Complaint 16-02S (Dr. Lurie)

Dr. Lurie stated that this complaint was submitted by a patient who was allegedly injured by a Physical Therapist. Dr. Lurie stated that he has not made contact with the individual, so this investigation is ongoing.

R. Complaint 16-03S (Dr. Lurie)

Dr. Lurie stated that this complaint is from an individual who filed a complaint in 2015 indicating that the DC injured their back and that the DC would not release their patient records. However, the patient received their records and the complaint was dismissed. The Board has received a second complaint from the patient indicating the DC will not release the patient records. Dr. Lurie contacted the DC asking that they mail the patient their records via certified mail. The DC provided a copy of the certified mail receipt to the Board signed by the patient. Dr. Lurie recommends dismissal of this complaint. Dr. Colucci moved to dismiss complaint 16-03S. Dr. Jaeger seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member.

S. Complaint 16-04S (Colucci)

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

T. Complaint 16-05S (Colucci)

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

Agenda Item 14 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. Keep on for the next meeting.**
- 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 the following section. (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.
- R. Discussion/possible change to the Chiropractic Assistant certification program.
- S. Add to or revise NAC 634.339 2 (b) – 2. A student who participates in the preceptor program shall not: (b) Establish a plan of treatment or prognosis for a patient without the written concurrence of the preceptor, which must be documented in the health care record of the patient;
- T. Delete Sections 1(b), 2, 3 of NAC 634.341 Student providing chiropractic services: Notice to patient; duties of preceptor 1. Before a student who participates in the preceptor program provides chiropractic services to a patient: (b) the student or preceptor shall perform the initial evaluation and assessment of the patient and develop the plan of treatment for the patient. If the student:
 - 2. The final assessment of the condition of a patient must be conducted by a licensee.
 - 3. The preceptor who supervises a student shall review the health care records of a patient not less than once every third visit of the patient to ensure that the student is performing the chiropractic services as directed by the preceptor and is maintaining the health care record of the patient in accordance with applicable law.

Dr. Lurie stated that he and Mr. Ling have reviewed the list of revisions to NRS and NAC. Dr. Lurie stated that several of these items were approved by the Board at

previous meetings, but the changes were not made. Items F through Q and S were identified as being previously approved. Mr. Ling will prepare language for the previously approved revisions to NAC to be presented at the Boards' June 4, 2016 meeting.

Dr. Rovetti recommended that DC's keep an advertising file in their office for two to three years from the last time the advertisement was used. Dr. Rovetti stated that this was previously in the Boards' regulations. Following discussion, Dr. Lurie asked that research be done and that it be brought to the June 4, 2016 meeting.

Dr. Rovetti recommended that the Board require a disclaimer to testimonial advertising. Following discussion the Board determined to remove 14B from the list.

Dr. Lurie recommended reciprocity and stated that the applicant would still be required to follow the Boards' current process. However, the applicant would not have to take the National Board's SPEC. Dr. Lurie will provide reciprocity language from other states.

Dr. Lurie stated that after reviewing past minutes relative to the elimination of the CA Program it was opposed each time. Dr. Lurie stated to remove this item from the list of revisions.

Agenda Item 19 Temporary License Application – Revise application language to define remuneration – For possible action.

Dr. Rovetti stated that the Board received a question from a DC who performs a specific technique and was promoting it at the Parker Seminar. The DC stated that he is not adjusting people for money, but promoting his technique. The language was presented that if the individual was coming into the State to perform their services for charity, the Board wouldn't collect the license fee. Following discussion, Dr. Lurie asked that Dr. Rovetti bring revised language before the Board at its June 4, 2016 meeting.

Agenda Item 20 Board Counsel Report – No action.

Dr. Lurie stated that Mr. Ling indicated that he had nothing to report.

Agenda Item 23 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**
- D. CA Renewal Report – No action.**
- E. 2016 DC Self-Inspection Report – No action.**

Julie Strandberg summarized each of the Executive Director reports. She stated that 69% of the CA's renewed their certificates. She also stated that the 2016 Self Inspection was mailed to each active DC on January 15, 2016 with a deadline to submit by February 29, 2016 and to date the Board had received 80%.

Agenda Item 24 Financial Status Reports – No action.

- A. Current cash position & projections**
- B. Accounts Receivable Summary**
- C. Accounts Payable Summary**
- D. Employee Accrued Compensation**
- E. Income/Expense Actual to Budget Comparison as of January 31, 2016**
- F. 2015 Audit – Bertrand & Associates**

Dr. Rovetti provided a summary of the financial status and indicated that the Board is still in a positive position. The 2015 audit was tabled until the June 4, 2016 meeting to allow action to be taken.

Agenda Item 25 2016-2017 Budget – For possible action.

Dr. Rovetti asked the Board to review the existing budget and report via email with any suggestions. He stated that a one-year budget will be approved at the June 4, 2016, which will allow the Board to be on the same cycle as the State of Nevada Legislature.

Agenda Item 26 Establish dates for the next Chiropractor's Assistant examination and Board meetings – For possible action.

The next CA examination will be administered on Thursday, August 18, 2016. Check-in will be at 8:30 AM and the exams will start at 9:00 AM. Dr. Lurie confirmed that the ACRRT resource manual is the new study guide for X-Ray.

Agenda Item 27 Discuss potential 2017 Legislation – For possible action.

Dr. Lurie moved to give Mr. Ling permission to notify the Governor's Office on behalf of the Board of any legislation requests. Dr. Davis seconded, and the motion passed with all in favor.

Agenda Item 18 Committee Reports

A. Continuing Education Committee (Dr. Davis) – For possible action.

Dr. Davis stated that he and Julie Strandberg have worked together to clear up any issues that have come up.

B. Legislative Committee (Dr. Lurie) – For possible action.

Dr. Lurie stated that he has been in contact with Mendy Elliott and Peter Krueger of Capitol Partners and stated his concerns with the upcoming Legislative Session.

C. Preceptorship Committee (Dr. Rovetti) – For possible action.

Dr. Rovetti reported that the Board currently has one Preceptor application. Dr. Rovetti prepared a letter that outlines the NRS and NAC as it relates to the Preceptor Program and recommended that the Board send this notification to the Preceptor and the Student following two weeks on the job.

D. Test Committee (Dr. Colucci) - For possible action.

Dr. Colucci stated that she's looking forward to the revised CA exam and launching the DC law exam online. Dr. Lurie stated that the Board should move forward with the on-line platform. However, Dr. Rovetti expressed his concern with the questions so Dr. Lurie stated to hold off on moving forward with the on-line exam. Dr. Lurie asked that Dr. Colucci hold a workshop to review and possibly create new exam questions.

Dr. Overland asked about the status of the CA Exam questions completed by Dr. Nolle. Following discussion, Dr. Colucci recommended the Board substitute the existing CA exam with the Certified Chiropractic Clinical Assistant (Program of the FCLB) and offer the Law/X-Ray exam on-line via MyiCourse or other on-line platform.

Agenda Item 28 Correspondence Report – No action.

Julie Strandberg stated that the correspondence from Dr. Overland regarding the CA exam was included as well as a news article on the status of the Obteen Nassiri, DC case.

Agenda Item 29. Board Member Comments – No action

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Ms. DiFillippo recommended there be a standing agenda item titled outstanding staff issues so the Board could follow-up.

Dr. Colucci inquired on the logistics of setting up the workshop. Dr. Lurie stated that he would communicate with Dr. Colucci.

Dr. Lurie thanked the Board for their service.

Agenda Item 30 Public Interest Comments – No action.

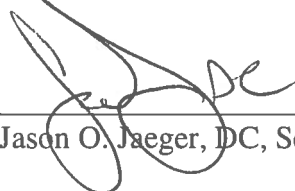
This portion of the meeting is open to the public to speak on any topic NOT on today's agenda and may be limited to 3 minutes.

There were no public interest comments.

Agenda Item 31 Adjournment – For possible action.

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

Approved September 10, 2016



Jason O. Jaeger, DC, Secretary-Treasurer