

BRIAN SANDOVAL
Governor
BENJAMIN LURIE, DC
President
MAGGIE COLUCCI, DC
Vice President
JASON O. JAEGER, DC
Secretary-Treasurer

STATE OF NEVADA



LAWRENCE DAVIS, DC
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

4600 Kietzke Lane, Suite M245
Reno, Nevada 89502-5000
Telephone (775) 688-1921

Website: <http://chirobd.nv.gov> Fax (775) 688-1920 Email: chirobd@chirobd.nv.gov

MINUTES OF MEETING

A meeting of the Chiropractic Physicians' Board was held on Saturday, June 4, 2016 at the Grant Sawyer Building, 555 E. Washington Street, Las Vegas, NV 89101

The following Board Members were present at roll call:

Benjamin Lurie, DC, President
Maggie Colucci, DC, Vice President
Jason O. Jaeger, DC, Secretary-Treasurer
Lawrence Davis, DC, Member
David G. Rovetti, DC, Member
Tracy DiFillippo, Consumer Member

Also present were CPBN Counsel Louis Ling and Executive Director Julie Strandberg. Consumer Member, Shell Mercer was not present.

President, Dr. Benjamin Lurie determined a quorum was present and called the meeting to order at 9:15 a.m.

President, Dr. Benjamin Lurie led those present in the Pledge of Allegiance. Ms. DiFillippo 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 20 Workshop for review and revision of the Doctor of Chiropractic jurisprudence exam – For possible action.

Dr. Lurie stated that this item should not have been added to the agenda as a workshop. The assignment was for each Board member licensed pursuant to NRS 634 to provide five questions from NRS and/or NAC 634 to the Test Committee Chair. A workshop will be held at a later date.

Agenda Item 3 Approval of the March 5, 2016 Meeting Minutes - For possible action.

Dr. Jaeger moved to approve the agenda. Ms. DiFillippo seconded. Dr. Rovetti stated that he had a revision to Agenda Item 22; however, following discussion no change was required. Dr. Rovetti also requested a revision to Agenda Item 4 to clarify that Dr. Paul Rovetti, named in this

matter is not the same person as Board Member, Dr. David Rovetti. Dr. Jaeger amended his motion to include the revision. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination on March 9, April 13, and May 11, 2016 – For possible action.

Dr. Davis moved to approve the ratification of granting of DC licenses to those who passed the examination on March 9, April 13, and May 11, 2016. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 5 Approval of proposed Payment Arrangement in the matter of Heriberto “Eddie” Soltero – For Possible Action

Dr. Lurie stated that Heriberto “Eddie” Soltero submitted a request to the Board to make monthly payments of \$100.00 based on his financial status. Dr. Rovetti moved to approve the payment arrangements. Dr. Colucci seconded, and the motion passed with all in favor. Ms. DiFillippo recommended that the Board follow up with Mr. Soltero in six months to determine whether a payment modification could be made.

Agenda Item 9 NCA Report – For possible action.

Dr. Overland was present and reported on behalf of the NCA. Dr. Overland stated that there are approximately 24 attendees currently taking the fourth module of the Orthopedic Diplomate program with the University of Bridgeport. Dr. Overland stated that to date, the NCA has eight pre-paid attendees for the next 100 hour module and the numbers look favorable that the University of Bridgeport will entertain a second series.

Dr. Overland stated that the NCA invited Ms. Kathryn Godwin, Supervisor of the medical unit at the Division of Industrial Relations (DIR) to the NCA meeting. Dr. Overland stated that Ms. Godwin was instrumental in working with the DC’s who conduct Permanent Partial Disability (PPD) impairment ratings. Dr. Overland stated that the only company that certifies doctors for PPD evaluations resides in Massachusetts and has indicated that everyone needs to recertify. Dr. Overland stated that the regulations indicate that once you’re a PPD evaluator you should have a certain amount of continuing education credits, which is not specified and requires DIR approval. Dr. Overland also stated that it appears that DIR is proposing a regulation to include the amount of continuing education hours required and the approval process for the seminars. Dr. Overland stated that the NCA has been working with the co-author and co-reviewer of the sixth edition and Nevada uses the fifth edition. Dr. Overland stated that the NCA submitted a proposal to be allowed to conduct the recertification seminars for the PPD doctors. However, currently it appears that if you have a valid DO, MD, or DC license, you’re able to continue with PPD’s. Dr. Overland stated that the NCA is working to educate DIR, because the NCA worked hard on the workers’ compensation bill last session and had an unfortunate incident with Randy Kirner.

Dr. Overland stated that the NCA’s Annual Seminar will be held at the Tuscan, Las Vegas, NV, October 1st and 2nd, 2016. They may also hold an event on Friday, September 31, 2016. There will be approximately 12 to 15 continuing education hours available.

Dr. Overland stated that the NCA was represented by their lobbyist, Marlene Lockard at the State Employees Annual meeting. Dr. Overland stated that there was discussion relative to chiropractic care. Dr. Overland stated that Chiropractors are authorized to have 15 visits, but the Board wanted to mandate the criteria that chiropractors needed. Dr. Overland stated that there were three criteria specified, first, to demonstrate a neuromusculoskeletal issue, second, to demonstrate the medical necessity, and third, if there wasn’t evidence of improvement in 15 days there would be a referral process out, which the NCA took an objection to. The Board did not have criteria for

the referral process. Dr. Overland stated that the Board did not feel that the other professions were obligated to perform in that fashion. Dr. Overland stated that the Board generously decided they would strike the third criteria regarding the referral process after three weeks of showing no evidence of improvement

Dr. Overland stated that he and Dr. Rovetti exchanged letters in March 2016 with regard to the Athletic Trainers, and the seminars conducted by Ken Cooper, DC, PT. Dr. Overland stated that his younger son is involved in hockey and has been told by several young hockey players that they get their necks cracked and their backs popped by an Athletic Trainer. Dr. Overland stated that while there is no direct evidence, his suggestion would be to write to the Athletic Training Board indicating the Chiropractic Boards' law. Dr. Overland recommended that the Board add the Athletic Training Board as an agenda item to protect the public.

Dr. Overland stated that the American Chiropractic Association, the International Chiropractic Association (ICA), and many other organizations are working on Medicare reform at the Federal level. A group of power players met to discuss, and it was the first time in Chiropractic history that everyone agreed that Medicare reform is necessary, with the exception of the ICA. All groups agreed to the language that will be presented in the bill to the Federal Government with the exception of the ICA, who will submit their own language.

Dr. Overland stated that there was a recent hearing with the Discovery Commissioner with respect to deposition fees for Chiropractors. There's one large defense firm that continues to challenge Chiropractors on their deposition fees. Unfortunately, many chiropractors have gone to the wishes of the defense firm and will accept what they want to pay. Dr. Overland had a case in front of the Discovery Commissioner and felt it was a good opportunity to expand this for Chiropractor's. The Discovery Commissioner ruled in the chiropractors favor. There was also a Medical Doctor in attendance and the defense firm also challenged his fees. Dr. Overland stated that the judge allowed him to write an order since the ruling was in the favor of the chiropractors. Dr. Overland stated that they attempted to establish some criteria for chiropractors such as background, education, advanced degrees, and years of experience, to name a few. Dr. Overland stated that the ruling order doesn't state those items pay a certain amount of money for the deposition challenge that was approved. Dr. Overland stated that the attorney is working on the affidavit submitted, to determine what the criteria really means. Dr. Overland stated that once he receives the outcome he will post it on the NCA's website or send it out to all doctors.

In the meantime, the NCA has been working with four different doctors to help them with their criteria, because the deposition fees are being challenged. This is the first time in 25 years that there has been a ruling regarding deposition fees. The ruling 25 years ago was not favorable to chiropractors because it limited the fee to \$200 or \$250.

Agenda Item 10 NCC Report – No action.

Dr. Bobby Moore was present and stated that the NCC has been working with the Nevada Division of Insurance on the Affordable Healthcare Act to create a scenario in Nevada where Chiropractors are reimbursed equally for the same therapies and coding as other healthcare providers. Dr. Moore reported that the NCC's 1st Annual Seminar will be held at the Red Rock Country Club on October 15, 2016.

Agenda Item 6 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 15-01S (Dr. Lurie)

Dr. Lurie stated that he and Mr. Ling continue to wait to receive information from the individual's attorney relative to the website being removed.

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

Ms. DiFillippo stated that this complaint is on-going.

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

Dr. Rovetti stated that the Federal Government got involved due to Medicare billing. The Chiropractor entered into a Settlement Agreement with the United States Department of Justice and was fined \$150,000.00. The Medical Doctor also entered into a Settlement Agreement and was fined \$90,000.00. Dr. Rovetti stated that he will work with Mr. Ling to propose a Settlement Agreement with the Chiropractor.

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

Dr. Lurie stated that this complaint was passed to him from Dr. Nolle. The Board requested correspondence from the DC and is in receipt of the documentation. Dr. Lurie stated that he will have more information to provide at the September 10, 2016 Board meeting.

E. 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 September 10, 2016 meeting.

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

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

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

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

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

Dr. Colucci stated that at the Boards' March 5, 2016 meeting there was a recommendation to provide a photo of the instrument used by the DC to the patient to gain confirmation. A certified letter was sent to the patient and the signed certified receipt was returned to the Board. However, there was no response received from the patient. Dr. Colucci recommended that this complaint be dismissed. Dr. Lurie moved to dismiss complaint 15-35S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the Investigating Board Member.

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

Dr. Jaeger stated that a proposal was prepared to request that the DC be voluntarily monitored over a period of one year with random urinalysis tests at the cost of the licensees, which was signed by the DC. The first random test was performed on May 17, 2016 and the results were negative. Dr. Jaeger recommended that the Board keep this item on the agenda for an additional nine months and if the tests continue to be negative Dr. Jaeger will recommend dismissal.

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

Dr. Lurie stated that this complaint was submitted by an individual who indicated that they were injured by a Physical Therapist who allegedly performed a chiropractic technique. Dr. Lurie stated that he has been unable to make contact with the complainant. Dr. Lurie will continue to attempt to make contact with the complainant; however, if there is no contact by the September 10, 2016 Board meeting the complaint will be dismissed.

K. Complaint 16-04S (Colucci)

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

L. Complaint 16-05S (Colucci)

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

M. Complaint 16-06N(Rovetti)

Dr. Rovetti stated that this complaint was received from the friend of the patient. According to the friend, who accompanied the patient, they stated that the following occurred: The patient spent \$6,015 for a five-week treatment. At four-weeks, "things appeared ok." On the fifth week, the patient worsened with shooting pains down his right leg. The licensee misdiagnosed the flare-up as a hip or t-band problem or bursitis. A hip adjustment was administered. Two weeks later, another hip adjustment was administered that resulted in "massive pain." Approximately three months later the patient went to an orthopedic surgeon which resulted in spinal fusion. The friend requested half of the patient's money back from the licensee.

Dr. Rovetti stated that the records from the licensee appeared to be complete and accurate. The diagnosis of a hip etiology was reasonably-founded with the appropriate orthopedic tests.

Dr. Rovetti recommended that this complaint be dismissed. Dr. Colucci moved to dismiss complaint 16-06N. Dr. Jaeger seconded, and after further discussion the motion passed with all in favor with the exception of Dr. Davis, who opposed. Dr. Rovetti recused himself as the Investigating Board Member.

Agenda Item 7 FARB Forum – For possible action.

A. Update on January 2016 FARB Forum – Orlando, FL – Ms. Mercer

This report was tabled until the September 10, 2016 meeting.

B. Attendance at the September 29 - October 2, 2016 FARB Forum – Chicago, IL

Mr. Ling and Ms. DiFillippo expressed interest in attending the FARB Forum if their schedules allowed. Dr. Lurie made a motion to approve two spots at the FARB Forum. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 8 FCLB/NBCE Matters – For possible action.

A. Report on April 27 – May 1, 2016 FCLB Annual Conference-Phoenix, AZ

Dr. Colucci stated that this was the FCLB's 90th Anniversary and gave an overview of events. Dr. Colucci stated that the 2017 FCLB conference will be held in Orlando, FL. Dr. Lurie also provided an overview of the information provided by the conference presenters'.

B. Pennebaker Wiley Outstanding Board Award

Dr. Lurie stated that the Board was recognized and given the Outstanding Board Award for the second time and thanked the Board for their dedication and hard work.

C. Highlights from District IV

Dr. Lurie stated that the District IV Fall Conference will be held in Colorado Springs, CO from October 13-16, 2016.

D. Dr. Lurie and Dr. Jaeger report - Spring Part IV Exam

Dr. Lurie stated that he and Dr. Jaeger participated in the Spring Part IV Exam.

Dr. Jaeger stated that it was his first experience and he really enjoyed the event and appreciated the experience.

Dr. Lurie stated that he went to Palmer and the two Doctor's that run the test site do a fantastic job. Dr. Lurie thanked the Board for approving his attendance.

Agenda Item 11 Board Counsel Report – No action.

Mr. Ling apologized to the Board if he has been non-responsive. He explained that due to the sudden passing of the Optometry Boards' Executive Director, he had to step in, which has taken the majority of his time.

Mr. Ling reminded the Board that he covers many Boards' which means he gets a many requests. He stated that if there are outstanding items to please remind him.

Mr. Ling stated that the Physical Therapy Board recently replaced their Executive Director and their Attorney. Mr. Ling stated that they are now being represented by the Attorney General's office, which may be in our favor with respect to the controversy between the Physical Therapy Board and the Chiropractic Board. Mr. Ling stated that he will reach out to the Attorney and let them know that the controversy still remains and bring to their attention the Attorney General's opinion that are in place.

Mr. Ling stated that he will be increasing his fees effective July 1, 2016 from \$120 to \$130.

Agenda Item 13 Discussion to determine language for proposed bill and rulemaking – For possible action.

Mr. Ling reviewed the proposed mock-up language approved by the Board in prior meetings to NRS 634 for the 2017 session.

Dr. Lurie stated that the Board would discuss Agenda Item 12, however Agenda Item 13 was discussed. The Board then went to Agenda Item 12.

Agenda Item 12 Consideration of potential additions, deletions and/or amendments to NRS or NAC Chapter 634 – For possible action.

A. Establish rules relative to Reciprocity.

Dr. Lurie stated that the Board has rules in place for reciprocity. After further discussion Dr. Lurie stated that he will bring language to the September 10, 2016 Board meeting.

B. Modify NAC 634.415 Sections 3 and 4 to allow the student to make some treatment and management decisions.

Dr. Rovetti stated that he recommended a revision to NAC 634.415 because it currently states that the preceptor makes all treatment and management decisions. After further discussion Dr. Rovetti stated that this request can be omitted.

C. Modify NAC 634.530 to allow the names of visiting doctors on the door.

Dr. Rovetti stated that he recommended a revision to NAC 634.530. Mr. Ling clarified that the intent of this regulation is to address individuals not licensed as Chiropractors who cannot include their name on the door unless they are in the office 1 day a week or 20% of the time. After further discussion Dr. Rovetti stated that this request can be omitted.

D. Revise the language included in NRS 634.080 (1) and 634.090 (1) (b) to omit the 60 day waiting period. Allow an individual to take the exam upon submitting a complete application to the Board.

Dr. Lurie stated that Dr. Streng submitted a request to omit the 60 day waiting period prior to being eligible to take the DC jurisprudence exam. Dr. Lurie made a motion to revise NRS 634.080 (1) and 634.090 (1) (b) to indicate upon receipt of a complete file the applicant would be eligible to take the exam. Dr. Davis moved to approve the revision. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 14 Temporary License Application – Revise application language to define remuneration – For possible action.

Dr. Rovetti introduced the language to clearly define remuneration. The new language will be added to the Boards' Nevada Administrative Code as well as the temporary license application. Dr. Lurie moved to approve the definition of remuneration. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 15 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. 2016 DC Self-Inspection Report – No action.**
- E. CA Exam Results – No action**
- F. Social Media – For possible action**
- G. Boards' Financial Institution – For possible action**

Julie Strandberg gave an overview of the Executive Director Reports. She stated that Dr. Luzod reimbursed the Board costs in full, which satisfies the terms of probation. Julie Strandberg stated that Dr. Gutierrez paid his fine in full, which satisfies the terms of his probation. Dr. Luzod and Dr. Gutierrez will no longer be reported on the Disciplinary Action report. Julie Strandberg reported that the Board has received 86% of the 2016 DC Self-Inspection reports. Julie Strandberg asked permission to change the Boards' financial institution if competitive rates can be obtained. Dr. Lurie stated to give Julie permission to find the best rate for the Board. Dr. Jaeger agreed along with the rest of the Board. Mr. Ling confirmed that the Board is able to utilize the services of any FDIC insurance institution in the State of Nevada.

Agenda Item 16 Financial Status Reports:

- A. Current cash position & projections – No action.**
- B. Accounts Receivable Summary – No action.**
- C. Accounts Payable Summary – No action.**
- D. Employee Accrued Compensation – No action.**
- E. Income/Expense Actual to Budget Comparison as of January 31, 2016 – No action.**

F. 2015 Audit – Bertrand & Associates – For possible action.

Julie Strandberg gave an overview of the Boards' financial position and indicated that the Board still remains in a positive position. Dr. Jaeger stated that the submittal of monthly expenditures by the Executive Director for his approval is working well.

Dr. Lurie stated that the Board needs to approve the 2015 Audit report. Julie Strandberg gave an overview of the audit report. Dr. Colucci moved to approve the 2015 audit. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 17 2016-2017 Budget – For possible action.

A. Fiscal Year 2017 Budget Approval

Julie Strandberg gave an overview of the proposed Fiscal Year (FY) 2017 budget. Dr. Lurie moved to approve the FY17 budget. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 19 Committee Reports

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

Dr. Davis reported that the CE process is going well.

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

Dr. Lurie stated that the proposed changes to NRS, which were previously discussed by the Board have been submitted to Capitol Partners and will go before the 2017 legislature. Dr. Lurie stated that he will be setting up a meeting with Dr. Overland to discuss proposing a bill relative to Chiropractic liens. Dr. Lurie stated that the Board will need to set up a workshop to discuss the proposed changes to NAC.

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

Dr. Rovetti stated that the Board is sending out the two week reminder letter to the student and the Preceptor. Julie Strandberg stated that the Board currently has one active and one pending Preceptor.

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

- 1. February 25, 2016 CA Exam**
- 2. Substitute existing CA exam with the Certified Chiropractic Clinical Assistant – Program of the FCLB**
- 3. Offer the X-Ray/Law exam on-line via MyiCourse or other on-line platform.**
- 4. DC Exam – Online via MyiCourse**

Dr. Colucci stated that within the next few months the Board will be launching the DC jurisprudence exam via Mycourse. Dr. Colucci thanked the Board for submitting new test questions to be added to the DC jurisprudence exam and stated that she will review the questions to be added to the existing bank of questions.

Dr. Lurie stated that pursuant to NAC 634.290 an applicant for DC licensure has the option to either take an online, open-book exam and must receive a score of 90% or higher or take a paper and pencil, closed-book exam and must receive a score of 75% or higher. Dr. Lurie stated that each applicant will receive a letter via mail or email from the Board indicating their file is complete with the option to either take the exam online through Mycourse or in person at the Board office in Reno. Dr. Lurie stated that the closed-book paper exam will continue to be administered once a month in the board office with no changes to the existing format, however applicants taking the online exam will be allowed two hours. The Board agreed to

allow the applicants who take the examination online through Myicourse see their score upon completion and if the applicant receives a failing score they will be allowed to retake the exam in two business days. Dr. Lurie explained that once exams begin to be administered the psychometric analysis of the questions will be tallied through the Myicourse platform. Dr. Lurie also stated that the exam questions are randomized so each exam will be different. Dr. Lurie stated that there are no changes to the cost of the exam of \$125.00, however the Board pays Myicourse 10% of the exam fee.

Dr. Overland, on behalf of the NCA stated he was in agreement with the DC exam.

Dr. Colucci stated that the Board is also in the early stages of moving the CA exam (including X-Ray) and the CA law exam online via Myicourse to allow for better accessibility. Dr. Colucci explained that the CA exams are multiple choice and have three components, CA Law exam, CA Practical exam, which includes the X-Ray questions. Dr. Colucci stated that this is a good platform to put our test on because the questions will be randomized for each exam. Dr. Lurie stated the quicker the test goes online the quicker the questions can be psychometrically analyzed through the Myicourse platform, which is the goal.

Dr. Colucci recommended that the Board consider making changes to NRS and NAC to give the CA's the option to take the exams online or in person with paper and pencil. Dr. Lurie stated that NAC 634.305 is not clear with respect to the examination process for CA's. NAC 634.290 would need to be duplicated in NAC 634.305, which allows the applicant to choose to take the exam online or in person. Dr. Lurie also stated that the Board may consider keeping the passing score at 75% whether the exam is open-book, online or paper and pencil and allow two hours for each section. Dr. Colucci stated at this point the Board will continue to administer the exam twice each year.

Dr. Overland stated that he would like to request that someone communicate with the NCA with respect to the process of moving the exams online. Dr. Overland asked how Myicourse works, does Myicourse do psychometric analysis, and what reference manuals are being used so the NCA can advise the doctors of what's coming up. Dr. Lurie confirmed that the only change is to move to the online platform, there will not be a change to the reference manuals or the exam questions. Dr. Lurie made a motion for Dr. Overland to work directly with Dr. Colucci, the test committee chair to determine what information was attained by Dr. Nolle as it relates to companies who provide psychometric analysis. Dr. Overland stated that as he becomes aware he will provide names of companies that provide psychometric analysis.

Dr. Overland and Dr. Rovetti stated that it would be appropriate to have the exam questions psychometrically analyzed prior to putting the exam online with Myicourse. Dr. Lurie stated that the questions will not be analyzed until applicants have actually started taking the examinations. Dr. Overland stated that it's unfortunate that several tests have to be administered prior to determining if a question is good or bad. Dr. Lurie stated that the Board has found a cost effective platform, that's capable of psychometrically analyzing exam questions, however as mentioned before, exams must be administered in order to determine valid metrics. Dr. Lurie asked Dr. Overland if the diplomate program exam was analyzed. Dr. Overland stated that it was, but did not know who the company was. Dr. Overland stated that he would find out. Dr. Jaeger stated that the Board has the opportunity to make the exam questions better, but the Board needs to give the online platform some latitude and let it run its course, get the data and then reassess.

Dr. Lurie stated that the Board has been working to move forward for the previous four years to get the examination process online and it seems prudent to continue moving towards that process.

Dr. Davis stated that the Board may consider providing training guidelines to the licensees to properly train CA's. Dr. Lurie stated that the NCA may also want to consider holding their Chiropractor's Assistant review course over two weeks or four weekend courses throughout the year rather than a one-day, 12 hour course. Dr. Overland agreed, but stated that it takes a lot of effort and there aren't enough resources to make that happen.

Dr. Lurie made a motion for Dr. Overland/NCA to work directly with Dr. Colucci to ensure the NCA is satisfied as the Board moves forward.

Dr. Colucci stated that she would like to take a vote to move forward with the CA exam going online January 2017 and allow the applicant to either take an open-book exam online or paper and pencil.

Dr. Jaeger made a motion to move the CA exam online via Mycourse for the first test date of 2017, and that there be an appointed member from the State Associations, either the President or the President's appointed member to collaborate with the Boards' Test Committee. Dr. Lurie seconded, and the motion passed with all in favor with the exception of Dr. Rovetti, who opposed.

Dr. Lurie asked that Julie Strandberg provide CA exam statistics by identifying the passing percentage for the CA exam and the Law exam separately and combine north and south applicants.

Agenda Item 13 Discussion to determine language for proposed bill and rulemaking – For possible action.

The Board went back to agenda item 13 to address each revision individually.

A. Require DC's to keep a file of all advertising in a file located in their office for two to three years.

Dr. Rovetti moved to approve that DC's keep a file of all advertising in their office for two to three years. Dr. Lurie seconded and the motion passed with all in favor.

B. Require disclaimer to testimonial advertising.

Mr. Ling stated that this indicates that it would be considered a false advertisement to use a testimonial when the person isn't your patient. Dr. Rovetti moved to approve the regulation change. Dr. Colucci seconded, and the motion passed with all in favor.

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

Mr. Ling stated that this revision removes the temporary license fee for the issuance of a temporary license to applicants providing chiropractic for no remuneration. Dr. Rovetti moved to approve the regulation change. Dr. Lurie seconded, and the motion passed with all in favor.

- I. NAC 634.390 Voluntary surrender of license or certificate; complaint (NRS 634.030) was recommended for revision at the 9/6/14 Board meeting minutes, however no action was taken.**

Dr. Lurie stated that if a licensee is surrendering their license and are in good standing, they should be allowed to do so without appearing before the Board. Mr. Ling stated that the regulation also needs to address the corollary in the event the licensee is under investigation they are able to surrender, but it would be deemed a revocation. Dr. Jaeger moved to approve the regulation change. Dr. Davis seconded, and the motion passed with all in favor.

- 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.**

Mr. Ling stated that he combined Items J & K because they both address Temporary Licenses. Mr. Ling stated that NAC 634.367 adds pregnancy as a cause to allow a Temporary Licensee to substitute for a licensee. Mr. Ling stated that NAC 634.367 does not require a licensee to obtain a Temporary license if the individual is only demonstrating a technique. Dr. Rovetti moved to approve the regulation change. Dr. Lurie seconded, and the motion passed with all in favor.

- M. Modify NAC 634.415 Sections 3 and 4 to allow preceptors to make some treatment and management decisions.**

Dr. Rovetti stated that he recommended this revision and it can be omitted from the list.

- N. NAC 634.419 Authorization of person to provide other services for patients in office of licensee was approved to be deleted pursuant to the 2/22/14 Board meeting minutes.**

Dr. Lurie stated that this regulation was previously approved.

- O. Modify NAC 634.530 to allow the names of visiting doctors on the door.**

Following discussion it was determined that a revision is not required to NAC 634.530.

- 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.**

Mr. Ling stated that this regulation ensures that all advertisement include the name of at least one licensee, phone number, and website address of the practice. Dr. Lurie stated that he brought this up, because there are websites that are not owned by licensees that may not have correct information. Dr. Rovetti moved to approve the revision to the regulation. Dr. Jaeger seconded, and the motion passed with all in favor.

- Q. Delete NAC 634.570 Inclusion of information in list or directory of licensees or chiropractic offices.**

Dr. Rovetti stated that this language is not necessary. Dr. Rovetti moved to approve the deletion of NAC 634.570. Dr. Colucci seconded, and the motion passed with all in favor.

- 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;**

Mr. Ling stated that this modification would allow the student to start treatment prior to concurrence from the Preceptor. Dr. Davis stated that the purpose of the Preceptor program is to mentor, coach, and teach the student. Dr. Rovetti stated that this regulation can be omitted from the list of revisions. Dr. Lurie stated that the Board will pass on making a revision to this regulation.

- 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:**

(1) Performs the initial evaluation or assessment or develops the plan of treatment, the student may execute the plan of treatment only after the preceptor has reviewed and initialed in the health care record of the patient the evaluation, assessment or plan of treatment developed by the student.

(2) Observes or learns of a condition or issue that was not contained in the original evaluation, assessment or plan of treatment, the student shall immediately notify the preceptor of the condition or issue.

(3) Wishes to make a change or addition to the plan of treatment of a patient, the student must obtain the concurrence of the preceptor before making the change or addition.

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. Rovetti stated that after hosting a student this regulation micro-manages the student. Following discussion, Dr. Jaeger made a motion to keep 1 (b) and 2 and delete the remainder of NAC 634.341. Dr. Davis seconded. Tracy recommended that there should be language relative to supervision. Dr. Lurie stated that Dr. Jaeger and Dr. Rovetti will work to create language to include supervision. Ms. DiFillippo will review. The motions were withdrawn.

Agenda Item 21 Discussion/approval of revisions made to forms relative to the Chiropractic Physicians' Board of Nevada – For possible action

- A. CA Application** – Julie Strandberg stated that the only revision was to specifically request last, first, and middle name on the application. Dr. Lurie moved to approve the revision. Dr. Davis seconded, and the motion passed with all in favor.

- B. DC Cover Letter/Application** – Julie Strandberg stated that the revisions to the DC cover letter updated outdated information. Dr. Davis moved to approve the revisions. Dr. Jaeger seconded, and the motion passed with all in favor.
Julie Strandberg stated that the revisions to the DC application was to provide clarity to the applicant completing the application. Dr. Davis moved to approve the revisions. Dr. Colucci seconded, and the motion passed with all in favor.
- C. DC Cover Letter (Myicourse)** – Julie Strandberg stated that this is the original letter sent to DC's with the exception of the examination sections. The exam sections of the letter have been revised to reflect the move to the online platform, Myicourse. Julie Strandberg stated that based on today's discussion the language will be revised to allow DC's the option of taking the jurisprudence exam online or in writing.
- D. Letter to Applicant (Myicourse)** – Julie Strandberg stated that this is a new letter to the DC's once their application is complete indicating the instructions to login and take the exam through Myicourse. Julie Strandberg stated that based on today's discussion the language will be revised to allow DC's the option of taking the jurisprudence exam online or in writing. Separate letters will be drafted, one letter will go to applicants coming to the Board office and another letter will go to those applicants taking the exam online via Myicourse.
- E. DC Cover Letter (NBCE)** – Julie Strandberg stated that this will not be required since the Board determined to no longer utilize the National Board for the examination process.

Agenda Item 22 Correspondence Report – No action.

A. NCA – Response to dismissal of Complaints 15-31S & 15-34S

Dr. Lurie stated that the Board received correspondence from Dr. Overland/NCA regarding the CA Exam and the letter relative to Ken Cooper's seminars. Dr. Overland asked if the Board will entertain sending a letter to the Athletic Trainers Board. Dr. Lurie stated that he will work with Louis on the letter. Dr. Lurie stated that Mr. Ling will reach out to the Attorney General's office relative to the issue with the Physical Therapists as it relates to the Attorney General's opinion letter.

B. Dr. Colucci's interview with The American Chiropractor magazine.

Dr. Colucci gave an overview of her interview with The American Chiropractor magazine. Dr. Colucci stated that the editor had researched Dr. Colucci's background in working with regulation and wanted to highlight Dr. Colucci's role as Vice President and being the first female since the inception of the FCLB 90 years ago.

Agenda Item 18 Establish possible Future Board meeting date(s) – For possible action.

Dr. Lurie confirmed that the next Board meeting is set for Saturday, September 10, 2016 in Reno, NV. The Board scheduled the next Board meeting to be held on Saturday, January 14, 2017 in Las Vegas, NV.

Agenda Item 23 Outstanding Staff/Board Items – For possible action.

Julie Strandberg stated that there were no outstanding items.

Agenda Item 24 Board Member Comments – No action.

Dr. Jaeger stated that he would like the Board to consider the unfair reimbursement practices that have gone on in Nevada as it relates to public safety. There are scenarios taking place in organizations like the Joint where corners are being cut and potentially create safety issues for the public at large. Dr. Jaeger stated that it's the reimbursement that creates the scenario to offer a cheaper product by cutting out diagnostics, reducing the amount of time taken on an exam, or eliminating radiographs. Dr. Jaeger asked that the Board and the Associations look at 2706A to gain recognition and remove unfair practices with reimbursement, to allow doctors to do what they need to do diagnostically, and do the best for their patients and provide public safety.

Dr. Rovetti stated that as far as protecting the public and allowing the public to have chiropractic care, any place that would give away free chiropractic care would be a plus to what we're doing here. Dr. Rovetti stated that half of me does not like unfair competition, however the other half of me or the regulation side feels that to protect the public and be the public's advocate is the right way to do things.

Dr. Davis stated that he talked about revising the record keeping section of the Boards' laws and regulations before the Joint was in existence. Dr. Davis stated that he investigated a case where there wasn't a good examination to substantiate the diagnosis. Dr. Davis stated that he and Louis determined that there is nothing in our laws to discipline the doctor for doing virtually no exam. Dr. Davis stated that the Board is not in favor of telling doctors how to treat, but he does think that it is within the Boards' right for public protection to require some minimal levels of what is included in a proper examination to come to a diagnosis. Dr. Davis stated that if the Board had language in place that would make an organization such as the Joint have to increase what they are doing, at least in Nevada. Dr. Lurie stated that he thought the Board took care of that with the standard of care language. Mr. Ling stated that what Dr. Davis is suggesting is that the regulation contains language that states that records have to contain at least this. Dr. Davis stated, for example a neurological examination or an orthopedic examination has at least these minimum components.

Dr. Lurie stated that he appreciated all the comments and the work that is being done as the Board moves forward. Dr. Lurie thanked Dr. Colucci for taking the test committee. Dr. Lurie stated that the Board is coming to better resolutions moving forward and working with the NCA. Dr. Lurie stated to Dr. Overland that he appreciates what he does on the NCA side, helping chiropractors, and looking out for the profession. Dr. Lurie stated that he wants to get together with Dr. Overland to discuss some concerns with the profession as a whole and the lien work in Las Vegas. Dr. Lurie thanked Julie Strandberg for stepping into a big pair of shoes and stated that she's done a fantastic job. Dr. Lurie stated that he spoke with Brett Canady, Licensing Specialist and she's really picked up where Jennifer left off and stated that Julie Strandberg has done a great job training Brett. Dr. Lurie thanked Louis for all the work he does and stated that he's worth every penny.

Dr. Colucci thanked everyone for serving and taking away from their families to be here to serve and give back to the profession.

Ms. DiFillippo thanked everyone and said that the award starts with the Board President, a great Board, and staff. Everyone should be proud of that.

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. Overland stated that with respect to the Joint, until the Board gets a complaint from a patient or someone else you can't investigate whether or not there was a breach of standard of care.

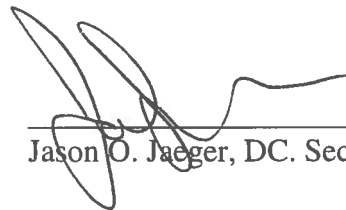
Dr. Overland stated that to his knowledge there has not been a complaint. Dr. Overland stated that the NCA does not agree with the Joint.

Dr. Overland stated that there is a problem in the profession that recently surfaced as it relates to Chiropractor's performing Commercial Driver's License (CDL) exams. Dr. Overland stated that Nevada Chiropractors have the ability to become certified to perform CDL's under the Nevada Department of Transportation. However, the Federal Motor Carrier Safety Association (FMCSA) under the DOT is decertifying chiropractors in the State of New York to perform CDL's. Dr. Overland stated that the problem is when the FMCSA starts decertifying Chiropractors, many states are going to be looking at whether or not chiropractors are qualified to perform CDL's. Dr. Overland stated that the NCA brought the President of the CME, Dr. Michael Megehee to Reno a couple years ago to assist with the certification of CDL's due to the new federal requirements. Dr. Overland stated that the NCA will be distributing information via email and will ask doctors who have their CDL certification to write to the FMCSA. Dr. Overland reported that Dr. Megehee stated that if this comes to your state be prepared to ask your licensing board to support the chiropractors who perform CDL's. Dr. Overland congratulated the Board on their award.

Agenda Item 26 Adjournment – For possible action.

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

Approved September 10, 2017



Jason O. Jaeger, DC. Secretary-Treasurer