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Consumer Member

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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held via video conference on Friday, July 14, 2017 at the Public Utilities Commission, Hearing Room B, 9075 W. Diablo Drive, Suite 250, Las Vegas, NV 89148 and Hearing Room B, 1150 E. William Street, Carson City, NV 89701.

Board Members were present at roll call:

Benjamin Lurie, DC, President
Maggie Colucci, DC, Vice President
Xavier Martinez, DC
Morgan Rovetti, DC
Tracy DiFillippo, Consumer Member
Shell Mercer, Consumer Member

Also present were CPBN Counsel Louis Ling and Executive Director Julie Strandberg. Jason O. Jaeger, Secretary/Treasurer was present via telephone Shell Mercer, Consumer Member was not present.

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

Dr. Xavier Martinez led those present in the Pledge of Allegiance. Dr. Rovetti stated the purpose of the Board.

Agenda Item 1 Public Interest Comments - No action.

There was no public comment.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 3 Approval of the April 21, 2017 and the April 27, 2017 Meeting Minutes. - For possible action.

Dr. Colucci moved to approve the April 21, 2017 and the April 27, 2017 minutes. Dr. Lurie seconded, and the motion passed with all in favor.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from April to July 14, 2017 – For possible action.

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Dr. Colucci moved to approve the ratification of granting of DC licenses to those who passed the examination from April to July 14, 2017. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 5 Discussion/possible action regarding the DC reinstatement application of Dr. Church – 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. Church)

Dr. Lurie welcomed Dr. Church and gave a summary of Dr. Church's circumstance and provided an explanation of why Dr. Church had to appear before the Board. Dr. Lurie moved to approve the application for DC licensure for Dr. Church. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 7 FCLB/NBCE Matters/Updates – For possible action.

Dr. Lurie followed up with Dr. Jaeger and Dr. Rovetti who attended the National Board Part IV Exam and Dr. Martinez who was scheduled to attend the National Boards' Part IV Test Committee, however was unable to so.

Ms. DiFillippo was present at 8:50 a.m.

Dr. Colucci gave an overview of how the District meetings are structured. Dr. Lurie asked if there were any Board members interested in attending the District meeting in Portland, OR from October 5-8, 2017. Dr. Jaeger and Dr. Rovetti indicated they would possibly be able to attend. Dr. Lurie made a motion for Dr. Jaeger, Dr. Rovetti, and Julie Strandberg to attend the District meeting in Portland, OR, October 5-8, 2017. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 6 FARB Forum – For possible action.

Dr. Lurie asked Ms. DiFillippo if she was interested in attending the FARB Forum, October 5-8, 2017 Savannah, GA. Ms. DiFillippo stated that she would not be able to attend. Mr. Ling expressed interest in attending. Dr. Lurie made a motion that the Board pay for a portion of Mr. Ling's travel to attend the FARB Forum, in Savannah, GA, October 5-8, 2017. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 8 Board Counsel Report – No action.

Mr. Ling stated that during the discussion regarding Dr. Devon Luzod at the April 21, 2017 Board meeting Ms. DiFillippo inquired about the unclaimed funds due to patients. Mr. Ling stated that the Board will be required to retain any unclaimed funds and report the funds to the Treasurers' Office Unclaimed Property section.

Mr. Ling stated that his Independent Contract with the Board was submitted to the Department of Administration and approval is pending to begin on September 1, 2017.

Agenda Item 9 Legislative Matters – For possible action.

Peter Krueger and Mendy Elliott were present on behalf of Capitol Partners and gave an overview of the Legislative session. Ms. Elliott stated that this wasn't a good session for Boards' with respect to getting bills passed and the Chiropractic Physicians' Boards' bill, AB 456 was a disappointing loss. However, Ms. Elliott identified other bills that passed that benefitted the Chiropractic Physicians' Board.

Agenda Item 10 Review Government Relations/Lobbyist proposals– 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 the applicants.)

Dr. Lurie stated that he will ask each Lobbyist come forward and provide the Board with a brief overview of their company and how they will be a benefit to the Board.

Peter Krueger, on behalf of Capitol Partners provided an overview of their company, experience, and explained what needs to happen to continue moving forward. Ms. Elliott stated that Capitol Partners has had a successful run with respect to the passage of legislation that supports Chiropractic. Ms. Elliott stated that Capitol Partners has appreciated representing the Chiropractic Physicians' Board. Dr. Lurie turned questioning over to the Board.

Dan Musgrove on behalf of Dan Musgrove Advocacy provided an overview of his background and experience. Mr. Musgrove also explained how he could benefit the Board. Dr. Lurie turned questioning over to the Board.

David Goldwater provided an overview of his and Nikki Bailey-Lundahls' background and experience. Mr. Goldwater also explained how they could benefit the Board. Dr. Lurie turned the questioning over to the Board.

Dr. Lurie asked that each Lobbyist give a closing statement with respect to what had been heard.

Dr. Lurie moved to go into a closed session. Dr. Colucci seconded. Dr. Rovetti requested clarification with respect to the validity of going into a closed session. Mr. Ling provided confirmation that the Board may go into closed session. Dr. Lurie withdrew his motion to go into closed session. Dr. Colucci seconded the motion.

Dr. Lurie opened up questioning and discussion to the Board.

Dr. Lurie moved to accept the lobbyist proposal from Dan Musgrove. Ms. DiFillippo seconded, and the motion passed with the exception of Dr. Rovetti and Dr. Martinez who opposed.

Agenda Item 16 NCA Report – No action.

Dr. Jonathan Parham was in attendance and presented a report on behalf of Dr. Overland, DC, NCA President. Dr. Overland's report stated that he would like to congratulate Dr. Maggie Colucci for becoming the first woman President of the FCLB and Dr. Ben Lurie for being voted in as the District IV Director for the NBCE. Dr. Overland reported that the next seminar sponsored by the NCA includes the next 10 hours of the orthopedic module on July 29-30, 2017 in Las Vegas, titled Orthopedic Imaging of the Spine. Dr. Overland reported that on August 5, 2017 the NCA will hold the CA review with 5 hours of continuing education credits and on October 7th and 8th the NCA will hold its annual convention in Reno which will include 8 hours of Rehab protocol and 4 hours of Chiropractic Procedures for New Patients. Dr. Overland reported that the NCA has forwarded numerous advertising complaints to Dr. Lurie with respect to print and radio which involve DC's that do not identify that they are a chiropractor, DC, or Chiropractic Physician. Dr. Overland stated that the Physical Therapists have started building and soliciting heir push to perform grade V mobilization with a thrust and the Chiropractic profession needs to begin to counter the opposition. The NCA has started taking action and Dr. Overland stated that he would like to hear from the Board.

Dr. Parham stated that he would like to second Dr. Overland's statement regarding complaints. It's not the NCA's place to handle complaints, which is why they are forwarded to the Board.

Dr. Lurie stated that his tenure on the Chiropractic Physicians' Board will be up October 2018. Dr. Lurie stated that this Board needs to work together with the Physical Therapy Examiners'

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Board as well as the Associations. Dr. Lurie stated that in the past he and Dr. David Rovetti have appeared before the Physical Therapy Examiners' Board to try to get them to work with the Chiropractic Physicians' Board, however they have been reluctant to do so. Dr. Lurie also stated that over the years Dr. Overland has tried to contact the Physical Therapists Association. Dr. Lurie stated that the Board will work with the NCA and NCC to continue to move forward protecting the public and the profession. Dr. Parham confirmed that the NCA will stand with the Board as a unified front.

Agenda Item 17 NCC Report – No action.

Michele Kane, Media Specialist was in attendance and presented on behalf of the NCC. Ms. Kane congratulated Dr. Colucci and Dr. Lurie. Ms. Kane stated that the NCC plans to work cooperatively with the Chiropractic Physicians' Board and would like to be active in the coming session. Ms. Kane stated that the NCC membership committee is creating a membership drive initiative that provides incentives for NCC members, such as discounts and educational and legislative updates. Ms. Kane stated that the NCC is making headway in its quest for insurance reimbursement parity and the NCC Board believes that it's very important to encourage patients to choose chiropractic as an alternative to pain medications, such as opioids. The NCC's 2nd annual convention will be held on Saturday, October 21, 2017 in Las Vegas for ten continuing education hours. Ms. Kane stated that the NCC Executive Director and Board President will attend COCSA's national meeting. Ms. Kane stated that the NCC offers updates on international, state, and local topics, which can be found on the NCC's website, email, and social media.

Agenda Item 11 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 16-08S (Jaeger)**
Dr. Jaeger stated that this complainant alleges that they were billed for services not rendered. Dr. Jaeger stated that the investigation is ongoing.
- B. Complaint 16-11S (Colucci)**
Dr. Colucci stated that this complaint is still under investigation.
- C. Complaint 16-12S (Colucci)**
Dr. Colucci stated that this complaint is still under investigation.
- D. Complaint 16-13S (Lurie)**
Dr. Lurie stated that he is currently working with Mr. Ling on a settlement agreement and plans to have it ready for the October 12, 2017 meeting to include complaints 17-06S and 17-09S.
- E. Complaint 17-02S (Lurie)**
Dr. Lurie stated that he met with the DC and plans to have a decision for the October 12, 2017 meeting.
- F. Complaint 17-04N (Rovetti)**

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Dr. Rovetti stated that this is a malpractice claim that went to court and settled, but was not reported to the Board by the DC. Dr. Rovetti stated that she has been in contact with the DC and there are discrepancies between what the DC is reporting about the incident versus what the court documents report. Dr. Rovetti will gather additional information from office staff since they witnessed the incident. Dr. Lurie recommended that Dr. Rovetti get in contact with Mr. Ling for his assistance.

G. Complaint 17-05N (Jaeger)

Dr. Jaeger stated that this investigation is ongoing pending additional healthcare provider documentation and will have an update at the October 12, 2017 meeting.

H. Complaint 17-06S (Lurie)

Dr. Lurie stated that he is currently working with Mr. Ling on a settlement agreement and plans to have it ready for the October 12, 2017 meeting to include complaints 16-13S and 17-09S.

I. Complaint 17-07S (Jaeger)

Dr. Jaeger stated that this complaint is ongoing and he plans to have an update at the October 12, 2017 meeting.

J. Complaint 17-08S (Lurie)

Dr. Lurie stated that he met with the complainant and the DC and has another meeting scheduled with the DC to gather additional information.

K. Complaint 17-09S (Lurie)

Dr. Lurie stated that he is currently working with Mr. Ling on a settlement agreement and plans to have it ready for the October 12, 2017 meeting to include complaints 16-13S and 17-06S.

L. Complaint 17-10S (Jaeger)

Dr. Jaeger stated that the complainant filed this complaint and a police report with Las Vegas Metro after allegations of being physically assaulted by the DC while on vacation out of the country. Dr. Jaeger spoke with the complainant and the DC who stated that the allegations filed by the complainant are true. Dr. Jaeger stated that he will put together a settlement agreement monitoring the DC that will protect the individual and the public.

M. Complaint 17-11S (Colucci)

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

N. Complaint 17-12S (Colucci)

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

O. Complaint 17-13S (Rovetti)

Dr. Rovetti stated that she has been in contact with the DC who published the advertisement and questioned why they didn't identify themselves as well as provide proof of the claims made in the advertisement. The DC stated that they hire an outside company to publish their advertising and stated that they were unaware that the advertisement was published with inaccurate information. Dr. Rovetti stated that the investigation will continue.

P. Complaint 17-14S (Martinez)

Dr. Martinez stated that the complainant alleged that they were injured during treatment and that their records were altered by the DC. Dr. Martinez confirmed with the DC that they use an electronic medical record system, so Dr. Martinez will request the records, which should indicate when the changes to the patient's records were made.

Q. Complaint 17-15S (Rovetti)

Dr. Rovetti stated that the DC advertised the use of infrared therapy to treat neuropathy. Dr. Rovetti stated that she reached out to the DC to get a copy of the advertisement referred to by the complainant who stated that the advertisement was misleading because the treatment didn't work. Dr. Rovetti stated that she reviewed the records, which appear complete and reviewed the advertisement which doesn't appear misleading. Dr. Rovetti will follow-up with the patient to verify additional information.

R. Complaint 17-16S (Jaeger)

Dr. Jaeger stated that the patient indicated that they were referred to the DC by their primary care doctor to be treated in a specific region of the body, however the complainant stated that the DC neglected to treat the part of the body that was in pain, which resulted in injury. The DC denies adjusting the area of the body that the patient indicates. Dr. Jaeger stated that this complaint is ongoing.

S. Complaint 17-17N (Rovetti)

Dr. Rovetti stated that this a complaint is against a CA who admits to embezzling money from the DC that they were working for. Dr. Rovetti stated that the DC has filed a police report, so there is an ongoing investigation. Mr. Ling stated that the intent is to ask the CA to surrender their certificate under acknowledgement that they are under investigation and are no longer working for a DC. Dr. Rovetti recommended that the CA sign a letter to the admission of guilt and that the Board accept the CA's surrender of their certificate. Dr. Lurie made a motion to accept Dr. Rovetti's recommendation. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Rovetti recused herself as the Investigating Board Member.

T. Complaint 17-18S (Jaeger)

Dr. Jaeger stated that the complainant alleges that they sought care from a DC and that they were provided an verbal quote for a treatment and financial plan requiring a large sum of money up front. Dr. Jaeger stated that he had not spoken to the DC to date, however is waiting on additional documentation from the DC to see if the payment is warranted.

U. Complaint 17-19S (Lurie)

Dr. Lurie stated that this complaint is against a DC who was using another DC's office address on their business cards and other advertisements on You Tube and their website. Dr. Lurie stated that the DC has corrected their self-inspection report and has advised Dr. Lurie that they have corrected the website and YouTube videos. Dr. Lurie recommended to dismiss complaint 17-19S with a letter of instruction reminding the DC of the advertisement regulations and that the address used in the advertisement be their place of business where they perform their practice. Dr. Lurie stated that he will follow-up in 30 days to confirm the advertisements have been corrected. Dr. Jaeger made a motion to accept

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Dr. Lurie's recommendation. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member. Dr. Colucci also recused herself.

Agenda Item 12 Committee Reports

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

Dr. Martinez stated that the CE process is going well.

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

Dr. Lurie stated that he appreciates the efforts of the Board reviewing the contracts for the Boards' lobbyist and everyone's comments. Dr. Lurie stated that he believes that Dan Musgrove will serve the Board very well based on his background and experience. Dr. Lurie stated that this Board needs to get together with the Physical Therapy Board and find some common ground and would be happy to start making calls to meet with their Board. Dr. Lurie thanked Dr. David Rovetti for his efforts in the past. Dr. Lurie also stated its going to be important to educate the public and members of the assembly and senate.

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

Dr. Rovetti stated that an article was published in the summer newsletter outlining the main points of the Preceptor program. Julie Strandberg stated that there are currently two active preceptors in the south. Dr. Rovetti inquired with the Board about visiting the two active preceptors to see how things are going. Dr. Lurie recommended a satisfaction survey be submitted to the DC and the student. Dr. Jaeger stated that he believes that impromptu visits would be beneficial. Following discussion, Dr. Lurie stated to add this to another agenda to discuss the in-state travel budget.

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

There was no discussion.

Agenda Item 13 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. DC Self-Inspection Statistics – No action

Julie Strandberg gave an overview of the Executive Director reports.

Agenda Item 14 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 May 31, 2017 – No action.

Julie Strandberg gave an overview of the financial reports.

Agenda Item 15 Chiropractor's Assistant Application review – For possible action.

Julie Strandberg explained that the revision to the Chiropractor's Assistant application is to attempt to make questions #3 and #4 on the application clear to avoid confusion. Following

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discussion, Dr. Lurie asked that the application be revised based on the recommendations discussed and that the revised application be brought back to the October Board meeting.

Agenda Item 18 Correspondence Report – No action.

Julie Strandberg stated that the attached document is the legislative report provided by the Nevada Chiropractic Association.

Agenda Item 19 Board Member Comments – No action.

Dr. Rovetti stated that she prefers having the Board meetings in person.

Dr. Jaeger stated that he has interest in the legislative committee. Dr. Jaeger also stated that he would be happy to be of service with the Preceptor Program if needed.

Dr. Martinez stated that he appreciates the opportunity to serve on the Board and also mentioned that he would like to request moving the Board meetings to Saturday.

Ms. DiFillippo stated that she appreciates the hard work Dr. Lurie put into the legislative session and working with the lobbyist. Ms. DiFillippo commended the Boards' efforts in trying to address the CA issue.

Dr. Colucci thanked the Board for their service and thanked Ms. DiFillippo for her legal advice and thanked Mr. Ling and Julie Strandberg for their work for the Board. Dr. Colucci stated that she values Dr. Lurie's opinion with respect to the change in lobbyist. Dr. Colucci congratulated Dr. Lurie for being appointed to the NBCE as the District IV Director.

Dr. Lurie thanked everyone for their time and effort. Dr. Lurie reminded the Board to please read through the laws and regulations and bring agenda items before the Board. Dr. Lurie recognized Dr. Colucci for her efforts and for being the first female President of the FCLB, Dr. Rovetti for her comments with respect to the lobbyist discussion, Mr. Ling for his legal advice, and Julie Strandberg and Brett Canady for their efforts.

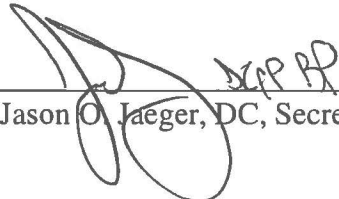
Agenda Item 20 Public Interest Comments – No action.

There were no public comments.

Agenda Item 21 Adjournment – For possible action.

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

October 12, 2017



Jason O. Jaeger, DC, Secretary/Treasurer