

STATE OF NEVADA

BRIAN SANDOVAL
Governor
JASON O. JAEGER, DC
President
MORGAN ROVETTI, DC
Vice President
XAVIER MARTINEZ, DC
Secretary-Treasurer



BENJAMIN S. LURIE, DC
Member
MAGGIE COLUCCI, DC
Member
TRACY DiFILLIPPO, ESQ
Consumer Member
JOHN BERTOLDO, 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

MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held via videoconference on Thursday, April 12, 2018 between the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Suite A-1, Las Vegas, NV 89118 and the Board of Medical Examiners, 1105 Terminal Way, Suite 301, Reno, NV 89502

The following Board Members were present at roll call:

Jason O. Jaeger, DC, President
Morgan Rovetti, DC, Vice President
Xavier Martinez, DC, Secretary-Treasurer
Benjamin Lurie, DC, Member
Maggie Colucci, DC, Member
Tracy DiFillippo, Esq., Consumer Member

Also present were CPBN Counsel Louis Ling and Executive Director Julie Strandberg. John Bertoldo, Esq., Consumer Member was not present at roll call.

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

Dr. Jaeger led those present in the Pledge of Allegiance. Dr. Rovetti stated the Purpose of the Board.

Mr. Bertoldo arrived at 8:40 a.m.

Agenda Item 1 Public Interest Comments - No action.

Dr. Overland stated that the industry needs to share that chiropractic adds value and is more than just adjusting. Dr. Overland feels that the industry is losing that purview with the State associations, the Board, and the National associations.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 3 Approval of the October 12, 2017 and the January 11, 2018 Meeting Minutes - For possible action.

Dr. Colucci moved to approve the October 12, 2017 and the January 11, 2018 Board meeting/hearing minutes. Dr. Lurie confirmed his inquiry with Julie Strandberg regarding Agenda

Item 7 from the October 12, 2017 Board meeting minutes. Dr. Lurie seconded, and the motion passed with all in favor.

Agenda Item 13 NCA Report – No action.

Dr. Overland was in attendance on behalf of the NCA and stated that the NCA co-sponsored the ACA Council Rehabilitation annual seminar April 6-8, 2018 for 18 continuing education hours. The NCA will hold an eight hour seminar in conjunction with the NCMIC conducted by Dr. Mario Fucinari on June 2, 2018 in Las Vegas and on June 3, 2018 in Reno. The initial four hours will cover ethics and boundaries, sexual harassment, informed consent, and informed intent. The second half of the seminar will cover medicare documentation, billing, and coding. Dr. Overland stated that chiropractors across the nation are on the target list by the Inspector General for inaccurate documentation, billing, and coding and they want to remove chiropractors from billing medicare.

Dr. Overland stated that the NCA would like to target silent PPO's for the upcoming legislative session. Several insurance companies in the medpay care industry submit contracts to health care providers indicating they would refer patients if the chiropractor would take a 75%-80% discount. The NCA wants to create a fair and balanced system in that these companies notify individuals ahead of time to communicate what they are signing and the repercussions. Dr. Overland stated that if the NCA does go forward with this they would like to work with the Board's lobbyist.

Dr. Overland stated that the NCA is looking at adding dry needling to the scope of practice and would be happy to work with the Board.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the Nevada jurisprudence examination from January to March 2018 – For possible action.

Dr. Colucci moved to approve the ratification of granting of DC licenses to those who passed the examination from January through March 2018. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the February 9, 2018 CA and Law examinations – For possible action.

Ms. DiFillippo moved to approve the ratification of granting of CA certificates to those who passed the examination on February 9, 2018. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 6 Legislative Matters – For possible action.

Dan Musgrove provided a tracking sheet indicating those individuals that have filed for the primary election, which will be held on June 12, 2018. Mr. Musgrove provided the highlights of the report.

Agenda Item 8 Consideration, deliberation, and decision regarding request for declaratory order or an advisory opinion pursuant to NAC 634.653 from Dr. Robyn Mitchell related to telehealth and licensure – For possible action.

Dr. Robyn Mitchell was in attendance and provided a summary of her background and her interpretation of the telehealth language pursuant to NRS 629.515. Following much discussion Dr. Lurie made a motion to obtain an Attorney General's opinion. Mr. Bertoldo seconded, and the motion passed with all in favor.

Agenda Item 7 Discussion/possible action regarding the Matter of Mark Rubin, DC (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character, alleged misconduct, or professional competence of the applicants.)

Dr. Jaeger welcomed Dr. Rubin and his attorney, Roger Croteau. Dr. Jaeger moved to go into a closed session. Dr. Lurie seconded, and the motion passed with in favor.

Mr. Croteau gave an update of Dr. Rubin's status and requested that Dr. Rubin be released from practice monitoring. Following discussion, Dr. Jaeger moved to go out of closed session. Mr. Bertoldo seconded, and the motion passed with all in favor.

Dr. Rovetti made a motion to continue the stipulations indicated in the Order Modifying Settlement Agreement and Order. Dr. Lurie seconded, and Dr. Jaeger opened for discussion. The motion passed with the exception of Dr. Colucci and Mr. Bertoldo. Ms. DiFillippo recused herself as the Investigating Board Member

At approximately 12:00 p.m. Dr. Martinez excused himself from the meeting.

Agenda Item 14 NCC Report – No action.

Dr. Nicole Harmel, Vice President and Michelle Cane, Media Specialist were present on behalf of the NCC. Dr. Harmel stated that the NCC had representatives who participated in the Parker Seminar and made contacts. Dr. Harmel stated that the 2018 NCC seminar will be held in the Reno area and they are looking at CE credits being available. Dr. Harmel stated that they welcome any suggestions for speakers.

Ms. Cane stated that they are continuing to work on the NCC's anti-opioid education introduction video. Ms. Cane stated that the NCC is working on a template for members for equal reimbursement for Nevada insurance providers that are complying with the Nevada Division of Insurance and working to get non-complying providers to comply. The NCC is working on a packet to provide to their members.

Dr. Harmel stated that the NCC is a sponsoring entity with the Room1 Las Vegas seminar being held on April 20 & 21, 2018, which will have 15 continuing education credits available.

Agenda Item 9 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report.

Agenda Item 10 Discussion and selection of a Private Investigation firm – For possible action.

Dr. Lurie stated that he reviewed the applications submitted for the investigator position and considered the quotes provided by three investigative firms. Dr. Lurie made a motion to contract with the Advantage Group to assist the Board with its investigations. Ms. DiFillippo seconded, and the motion passed with all in favor.

Agenda Item 11 FCLB/NBCE Matters – For possible action.

A. Potential support for Cynthia Tays for District IV Director

Dr. Lurie recommended that the Board not make a motion to support Ms. Tays in the event candidates run from the floor during the FCLB meeting.

B. Other FCLB/NBCE matters

Dr. Colucci stated that the FCLB annual meeting is being held in Dallas, TX, May 3 – 6, 2018 and has a good line up of speakers.

Dr. Lurie stated that Friday, May 4th of the FCLB conference is NBCE day and gave an overview of the agenda. Dr. Lurie stated that the NBCE is continuing to work on a computerized-based testing platform and its new website.

Agenda Item 15 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 16-11S (Colucci)**
Dr. Colucci stated that this complaint is still under investigation.
- B. Complaint 17-04N (Rovetti)**
Dr. Rovetti stated this was a malpractice claim, which the DC did report on their self-inspection report. Dr. Rovetti recommended that this complaint be dismissed. Dr. Colucci moved to dismiss complaint 17-04N. Dr. Jaeger seconded, and the motion passed with all in favor. Dr. Rovetti recused herself as the Investigating Board Member.
- C. Complaint 17-05N (Jaeger)**
Dr. Jaeger stated that the complainant filed the complaint, which alleged that the DC caused them to have a stroke two years following the incident. Dr. Jaeger recommended that this complaint be dismissed since the complainant had been unresponsive for the last three months. Mr. Bertoldo moved to dismiss complaint 17-05N. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the Investigating Board Member.
- D. Complaint 17-07S (Jaeger)**
Dr. Jaeger stated that he is in receipt of a signed Settlement Agreement with the DC and will be heard at the July 19, 2018 Board meeting
- E. Complaint 17-08S (Lurie)**
Dr. Lurie stated that the DC moved out of town and has obtained an attorney. Dr. Lurie stated that he is scheduled to visit May 18, 2018 to continue the investigation.
- F. Complaint 17-12S (Colucci)**
Dr. Colucci stated that based on the investigation there was no violation of the Chiropractic Board's laws or regulations. Dr. Colucci recommended that this complaint be dismissed. Dr. Jaeger moved to dismiss complaint 17-12S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the Investigating Board Member.
- G. Complaint 17-13S (Rovetti)**
Dr. Rovetti stated that a citation was issued for repetitive advertising violations. Dr. Rovetti stated that the fine and fees have been received, so this complaint will be administratively closed.

H. Complaint 17-18S (Jaeger)

Dr. Jaeger stated that the complainant alleged that the DC's staff advised that they were required to prepay for their care and allegedly submitted to the patient's health insurance. Dr. Jaeger stated that the complainant is waiting on information from their insurance company to continue this investigation.

I. Complaint 17-20S (Lurie)

Dr. Lurie recommended to dismiss complaint 17-20S, however would recommend a letter of concern be issued regarding apportionment and injuries due to multiple accidents. Ms. DiFillippo moved to dismiss complaint 17-20S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member.

J. Complaint 17-21S (Rovetti)

Dr. Rovetti stated that a citation was issued for repetitive advertising violations. Dr. Rovetti stated that the fine and fees have been received, so this complaint will be administratively closed.

K. Complaint 17-23S (Colucci)

Dr. Colucci stated that the complainant alleged unprofessional conduct with regard to capping. Mr. Ling stated that based on the investigation there was no violation of the chiropractic laws or regulations. Dr. Colucci recommended that this complaint be dismissed. Ms. DiFillippo moved to dismiss complaint 17-23S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the Investigating Board Member.

L. Complaint 17-24S (Jaeger)

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

M. Complaint 17-25S (Martinez)

Dr. Martinez was absent during this agenda item, so this complaint was tabled.

N. Complaint 17-26S (Colucci)

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

O. Complaint 17-28S (Lurie)

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

P. Complaint 17-30S (Colucci)

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

Q. Complaint 17-31S (Martinez)

Dr. Martinez was absent during this agenda item, so this complaint was tabled.

R. Complaint 17-33S (Jaeger)

Dr. Jaeger stated that this complaint is tied to Complaint 17-07S and is included in the Settlement Agreement & Order.

S. Complaint 18-01S (Lurie)

Dr. Lurie recommended that this complaint be dismissed. Mr. Bertoldo moved to dismiss complaint 18-01S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Lurie recused himself as the Investigating Board Member.

T. Complaint 18-02S (Outside Investigator)

Mr. Ling stated that this complaint is presently under investigation.

U. Complaint 18-03S (Colucci)

Dr. Colucci stated that the complainant alleged that an individual is practicing chiropractic without a license. Dr. Colucci stated that this complaint is still under investigation.

Agenda Item 12 Report on the Parker Seminar – No action.

Dr. Colucci stated that she attended the Parker seminar and verified that the out-of-state DC's in attendance held a temporary license.

Agenda Item 16 Discussion of potential improvements to and best practices for Board members in the discharge of their various duties and obligations – For possible action.

Julie Strandberg provided an overview of the guidelines and requested feedback from the Board. Following Board discussion there was no action taken.

Agenda Item 17 Committee Reports

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

Dr. Martinez was absent during this agenda item, so this item was tabled.

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

Dr. Jaeger stated that Dan Musgrove covered the legislative activity.

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

Dr. Rovetti stated that Life West is changing their preceptor policy.

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

Dr. Lurie stated that he will bring a possible solution to on-line testing to the July 19, 2018 Board meeting.

Agenda Item 18 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 19 Discussion/possible action regarding the Matter of Alan Bader, DC (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. Jaeger provided the Board with an overview of Dr. Bader's Settlement Agreement & Order and stated that Dr. Bader, in accordance with Dr. Davis (Practice Monitor) are requesting dismissal from probation and practice monitoring. Dr. Lurie recused himself as the Investigating Board Member, however indicated that he was not contacted by Dr. Davis or Dr. Bader. Dr. Colucci made a motion that Dr. Davis communicate with Dr. Lurie regarding his recommendation that Dr. Bader be released from probation and practice monitoring and be present at the July 19, 2018 Board meeting. Dr. Jaeger seconded, and the motion passed with all in favor.

Agenda Item 20 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 February 28, 2018 – No action.**
- Julie Strandberg gave an overview of the financial status reports.

Agenda Item 21 Consideration to allow electronic signatures on Board forms - For possible action.

Dr. Jaeger asked for questions regarding allowing electronic signatures on Board applications and forms. Following discussion, Dr. Jaeger stated that the Board can continue status quo or investigate the possibility of signing through a secured website, such as DocuSign. Mr. Ling stated that Nevada adopted the electronic signature act several years ago, but he will look into the law as well as to when a notary is required on a document.

Agenda Item 22 Discussion/determination of DC's performing Cupping Therapy – For possible action.

Dr. Rovetti stated that cupping therapy falls under physiotherapy. Dr. Jaeger made a motion to approve. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 23 Consideration of potential additions, deletions, and/or amendments to NRS and NAC 634 – For possible action.

- A. Mandatory Self-Inspection report**
- B. Fines for not meeting deadlines. i.e. Self-Inspection**
- C. Fine for untimely submission of a CA's second application (NAC 634.305)**
- D. Allow DC's to perform Dry Needling**
- E. Automatic suspension for late renewal**
- F. NBCE Parts I-IV (potential revision pursuant to CCE)**

This agenda item was tabled until the July 19, 2018 Board meeting.

Agenda Item 24 Discuss Power poll Results – For possible action.

- A. CBD**
- B. Grade V Mobilization**

This agenda item was tabled until the July 19, 2018 Board meeting.

April 12, 2018 CPBN Meeting Agenda

Agenda Item 25 Correspondence Report – No action.

This agenda item was tabled until the July 19, 2018 Board meeting.

Agenda Item 26 Board Member Comments – No action.

This agenda item was tabled, however, Dr. Rovetti stated that she would prefer in-person meetings and recommended that the action sheet contain the proposed motion.

Agenda Item 27 Public Interest Comments – No action.

Dr. Overland stated that the NCA is willing to conduct any seminar on topics that the Board feels need to be addressed.

Agenda Item 28 Adjournment – For possible action.

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

Approved July 19, 2018



Xavier Martinez, DC