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STATE OF NEVADA



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MAGGIE COLUCCI, DC
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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

NOTICE OF MEETING

DATE: Thursday, July 19, 2018 **TIME:** 8:30 a.m.

LOCATION: Public Utilities Commission, Room B, 9075 W. Diablo Drive, Suite 250,
Las Vegas, NV 89148

NOTE: ALL AGENDA ITEMS ARE FOR DISCUSSION AND FOR POSSIBLE ACTION UNLESS OTHERWISE NOTED. AGENDA ITEMS MAY BE TAKEN OUT OF ORDER, COMBINED FOR CONSIDERATION BY THE BOARD, OR PULLED OR REMOVED FROM THE AGENDA AT ANY TIME.

AGENDA

Call to order - determine quorum present.

Pledge of Allegiance – Dr. Martinez

Statement of Purpose – Dr. Jaeger

Agenda Item 1 Public Interest Comments - No action.

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.

Agenda Item 2 Approval of agenda – For possible action.

The Board reserves the right to address items in a different order or combine two or more items to accomplish business in the most efficient manner. An item may be removed from the agenda or discussion may be delayed relating to an item at any time.

Agenda Item 3 Approval of the April 12, 2018 Meeting Minutes – For possible action.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from April to July 2018 – For possible action.

Agenda Item 5 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.) – For possible action.

Agenda Item 6 Discussion/possible action regarding the Matter of Stephen Alexander, 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.) – For possible action.

Agenda Item 7 Discussion/possible action regarding the Matter of Bret Brown, 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.) – For possible action.

Agenda Item 8 Discussion/possible action regarding the Matter of James Overland, Jr., 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.) – For possible action.

Agenda Item 9 Discussion/possible action regarding the Matter of Obteen Nassiri, 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.) – For possible action.

Agenda Item 10 Legislative Matters – For possible action.

- A. Dan Musgrove Advocacy report

Agenda Item 11 NCA Report – No action.

Agenda Item 12 NCC Report – No action.

Agenda Item 13 Board Counsel Report – No action.

Agenda Item 14 Consideration of attendees at the September 27-29, 2018 Federation of Associations of Regulatory Boards in Portland, OR – For possible action.

Agenda Item 15 FCLB/NBCE Matters – For possible action.

- A. Overview of FCLB's 92nd Annual Educational Congress
- B. District I & IV Meeting – Palm Springs, CA – September 20-23, 2018
- C. Other FCLB/NBCE matters

Agenda Item 16 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

- A. Complaint 16-11S (Colucci)
- B. Complaint 17-07S (Jaeger)
- C. Complaint 17-08S (Lurie)
- D. Complaint 17-18S (Jaeger)
- E. Complaint 17-24S (Jaeger)
- F. Complaint 17-25S (Martinez)
- G. Complaint 17-26S (Colucci)
- H. Complaint 17-28S (Lurie)
- I. Complaint 17-30S (Colucci)
- J. Complaint 17-31S (Martinez)
- K. Complaint 17-33S (Jaeger)
- L. Complaint 18-02S (Outside Investigator)
- M. Complaint 18-03S (Colucci)
- N. Complaint 18-04N (Martinez)
- O. Complaint 18-05S (Lurie)
- P. Complaint 18-06S (Jaeger)
- Q. Complaint 18-07S (Lurie)
- R. Complaint 18-08S (Jaeger)

Agenda Item 17 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.
- B. Legislative Committee (Dr. Jaeger) – For possible action.
 - 1. Proposed BDR language for the 2019 Legislative Session
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.
- D. Test Committee (Dr. Lurie) - For possible action

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.

Agenda Item 19 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, 2018 – No action.

Agenda Item 20 Review the report provided by the Executive Branch Audit Committee (EBAC) - For possible action.

Agenda Item 21 Sunset Review Subcommittee Work Session document. – For possible action.

- A. Authorization to sell Employers shares – For possible action.
- B. Adopt a reserve policy
- C. Cost savings measures
- D. Improve budget process

Agenda Item 22 Discussion/possible action regarding testifying as an expert without a Nevada DC License– For possible action.

Agenda Item 23 Discuss/approve the allowance of electronic signatures on Board forms - For possible action.

Agenda Item 24 Consideration to revise the Self-Inspection Board policy. – For possible action.

Agenda Item 25 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
- D. Allow DC's to perform dry needling
- E. NBCE Parts I-IV (potential revision pursuant to CCE)

Agenda Item 26 Establish date(s) for the February CA Exam – For possible action.

- A. In-person Exam
- B. 1st & 3rd Testers
- C. 2nd & 4th Testers

Agenda Item 27 Discuss Power poll results – For possible action.

- A. CBD
- B. Grade V Mobilization

Agenda Item 28 Correspondence Report – No action.

Agenda Item 29 Board Member Comments – No action.

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.

Agenda Item 31 Adjournment – For possible action.

This agenda posted July 13, 2018 at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502; Office of the Attorney General, 100 North Carson Street, Carson City, Nevada 89701; Office of the Attorney General, 555, East Washington Avenue, Las Vegas, Nevada 89101; State Library and Archives, 100 North Stewart St., Carson City, Nevada 89701; CPBN Website: <http://chirobd.nv.gov>; and Notice.nv.gov.

July 19, 2018 CPBN Meeting Agenda

A request for copies of an agenda and/or a supporting document or documents may be obtained from:

Julie Strandberg, Executive Director
Chiropractic Physicians' Board of Nevada
775-688-1921

by picking up the document(s), or by mailing a written request to:

Chiropractic Physicians' Board of Nevada
Attention: Julie Strandberg
4600 Kietzke Lane, Suite M245
Reno, Nevada 89502

by faxing a request to: Julie Strandberg at: Facsimile No.: 775-688-1920

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Note: A request for notice lapses 6 months after it is made pursuant to NRS 241.020.3(b). Mailing a copy of the Chiropractic Physicians' Board meeting agendas will not be continued unless a request for reinstatement on the mailing list is submitted in writing every 6 months.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 1 Public Interest Comments – No action.**

- A. Public Comment will be taken at the beginning and at the end of each Board meeting;**
- B. Public Comment may also be taken at other such times as requested so long as the request that Public Comment be taken will not interrupt ongoing Board business;**
- C. Depending on the number of individuals wishing to address the Board, a reasonable time limit may be set. The Board will not restrict comments based upon viewpoint;**
- D. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item upon which action may be taken.**
- E. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Board may refuse to consider public comment as per NRS 233B.126.**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION: **The public may speak to the Board about any topic not on the agenda but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 2** Approval of Agenda – For possible action.

The Board reserves the right to address items in a different order or combine two or more items to accomplish business in the most efficient manner. An item may be removed from the agenda or discussion may be delayed relating to an item at any time.

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Agenda items may be addressed out of order to accommodate those present.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 3** Approval of the April 12, 2018 Meeting Minutes - For possible action.

RECOMMENDED MOTION: **Approve the minutes of the April 12, 2018 meeting as drafted.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

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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:

Benjamin Lurie, DC, President
Maggie Colucci, DC, Vice President
Jason O. Jaeger, DC, Secretary/Treasurer
Xavier Martinez, DC, Member
Morgan Rovetti, DC, 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

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examinations from April to June 2018 – For possible action

RECOMMENDED MOTION: Ratify granting of licenses to those who passed their examinations from January to March 2018.

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 2 minutes

BACKGROUND INFORMATION: The exams from April through June 30, 2018 were taken online, with the exception of two (2).

<u>April</u>	<u>May</u>	<u>June</u>
Dimitry James Ediss, DC	Tilene Nichole Figueroa, DC	Christopher James Brink, DC
Lucas Andrew Farabee, DC	Eric Anthony Galla, DC	Laura Louise Bursey, DC
Bradley James Watson, DC	Timothy Ian Moore, II, DC	Jeffery Michael Deatherage, DC
Cade Hunter Willes, DC	Aaron Joseph McJones, DC	Brittini Jenae Grider, DC
	Blake Allen Prall, DC	Jessica Elizabeth Pempek, DC

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 5** – 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.)
For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

Dr. Bader entered a Settlement Agreement & Order effective April 21, 2017 and was ordered to:

- *Pay the Board's fees and costs totaling \$1,929.80 and fine in the amount of \$5,000.00
- *Take & pass the Ethics & Boundaries examination & the Nevada jurisprudence examination
- *Take & pass four hours of continuing education relating to ethics and boundaries and four hours related to making and keeping patient records
- *Dr. Bader's license shall be on probation for two years and have a practice monitor.

Dr. Bader has satisfied his Board Order with the exception of the terms of probation and practice monitor.

In accordance with Dr. Davis' recommendation, Dr. Bader is requesting that the Board terminate him from probation and the practice monitor scheduled to terminate on April 21, 2019. Please see the attached SAO and letters requesting the termination.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

APR 21 2017

RECEIVED
RENO, NEVADA 89502

BEFORE THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

3	IN THE MATTER OF:)	
4	ALAN BADER, D.C.	)	Case Nos. 15-18N
5	License No. B567,	)	SETTLEMENT AGREEMENT AND
6	Respondent.	)	ORDER

7 The Chiropractic Physicians' Board of Nevada (the Board), by and through its investigating board
 8 member Benjamin S. Lurie, D.C., hereby enters into this Settlement Agreement with Alan Bader, D.C.
 9 (License No. B567). Pursuant to chapter 233B and chapter 634 of the Nevada Revised Statutes (NRS)
 10 and Nevada Administrative Code (NAC), it is hereby stipulated and agreed, by and between the parties in
 11 the above-entitled matter, that this matter shall be settled and resolved upon the following terms:

PERTINENT FACTS

13 1. On November 8, 1993, Dr. Bader became licensed as a chiropractor in Nevada (License No.
 14 B567).

15 2. On May 2, 2015, the Board office received a complaint from Mr. Dave Raschen in which Mr.
 16 Raschen alleged that Dr. Bader had been having a sexual relationship with Mr. Raschen's wife, Katrina.
 17 The case was assigned to Dr. Benjamin S. Lurie to serve as the Investigating Board Member (IBM). Once
 18 the case was assigned Dr. Lurie, he commenced an investigation that involved obtaining medical and
 19 other records and interviewing various parties involved.

20 3. The IBM's investigation determined that Dr. Bader met his ex-wife Lona, when they attended
 21 high school together. Dr. Bader and Lona began dating in 2002, at which time he continued to treat her
 22 on occasion as her chiropractic physician. Dr. Bader began living with Lona in approximately 2005, they
 23 became engaged in approximately 2007, and they married in 2011. Throughout their dating and marital
 24 relationship, Dr. Bader, on occasion, treated Lona as her chiropractic physician.

25 4. The IBM's investigation determined that in 2008, Dr. Bader employed Katrina Raschen as his
 26 office manager. In 2014, Dr. Bader and Katrina began a sexual relationship. Throughout the time that
 27 Katrina was employed as an office manager by Dr. Bader and during their relationship, Dr. Bader treated
 28 Katrina as her chiropractic physician in his clinic and at their respective homes.

1 Order is in the best interests of both parties, the Board will not file a Notice of Charges in this matter
2 and the parties agree, instead, that the Board should rule upon this Settlement Agreement and Order as
3 containing all necessary elements of due process to authorize the Board to take such action. If the Board
4 approves this Settlement Agreement and Order, it shall be deemed and considered disciplinary action by
5 the Board against Dr. Bader.

6 10. Dr. Bader and Dr. Lurie, the Investigating Board Member in this matter, agree that this
7 matter should be resolved without a full hearing on the merits.

8 11. Dr. Bader is aware of, understands, and has been advised of the effect of this Settlement
9 Agreement, which he has carefully read and fully acknowledged. Dr. Bader acknowledges that he could
10 have reviewed this Settlement Agreement with and consulted with legal counsel, but he chose not to do
11 so before entering into this Settlement Agreement.

12 12. Dr. Bader has freely and voluntarily entered into the Settlement Agreement, and he is aware
13 of his rights to contest the charges pending against him. These rights include representation by an
14 attorney at his own expense, the right to a public hearing on any charges or allegations formally filed, the
15 right to confront and cross-examine witnesses called to testify against him, the right to present evidence
16 on his own behalf, the right to testify on his own behalf, the right to obtain any other type of formal
17 judicial review of this matter, and any other rights which may be accorded to him pursuant to the
18 provisions of Chapters 233B, 622, 622A, and 634 of the NRS and the NAC. Dr. Bader is voluntarily
19 waiving all these rights in exchange for the Board's acceptance of this Settlement Agreement.

20 13. Should the Settlement Agreement be rejected by the Board, it is agreed that presentation to
21 and consideration by the Board of such proposed Settlement Agreement or other documents or matters
22 pertaining to the consideration of this Settlement Agreement shall not unfairly or illegally prejudice the
23 Board or any of its members from further participation, consideration, adjudication, or resolution of
24 these proceedings and that no Board member shall be disqualified or challenged for bias.

25 14. Dr. Bader acknowledges that the Settlement Agreement shall only become effective after both
26 the Board and he have duly executed it.

1 AGREED DISCIPLINARY ACTION

2 THE PARTIES DO HEREBY AGREE as a result of the acknowledgements contained in
3 paragraphs 1 through 14 above that the following discipline is fair and appropriate and should be
4 imposed by the Board by way of resolution of this matter:

5 1. Dr. Bader shall pay the Board's fees and costs in the investigation and prosecution of this
6 matter totaling \$1,929.80, payable by cashier's or certified check or money order made payable to:
7 "Chiropractic Physicians' Board of Nevada." The payment must be received by the Board's office within
8 30 days of the effective date of the Board's adoption of this Settlement Agreement.

9 2. Dr. Bader shall pay a fine in the amount of \$5,000.00 (\$3,500.00 for the sexual misconduct,
10 \$1,000.00 for allowing an unlicensed person to perform chiropractor's assistant duties, and \$500.00 for
11 recordkeeping) payable by cashier's or certified check or money order made payable to: "Chiropractic
12 Physicians' Board of Nevada." The payment must be received by the Board's office within 30 days of the
13 effective date of the Board's adoption of this Settlement Agreement. Dr. Bader may combine the amount
14 due under this paragraph with the amount due under paragraph #1 so that he may pay both by a single
15 cashier's or certified check or money order.

16 3. Dr. Bader shall take and pass the Ethics & Boundaries Examination related to chiropractic
17 administered by the Ethics and Boundaries Assessment Services, LLC (EBAS) within six (6) months of
18 the effective date of this Settlement Agreement and Order. Dr. Bader shall pay the costs associated taking
19 and passing the EBAS Ethics & Boundaries Examination.

20 4. Dr. Bader shall take and pass the Nevada jurisprudence examination within 90 days of the
21 effective date of this Settlement Agreement and Order. Dr. Bader may opt to take the examination in-
22 person or online.

23 5. Dr. Bader shall take and pass four hours of continuing education relating to ethics and
24 boundaries and four hours of continuing education related to the making and keeping of patient records
25 within 180 days of the effective date of this Settlement Agreement and Order. The continuing education
26 courses must be approved by the IBM before the classes are taken and may not be counted as part of the
27 36 continuing education hours required for Dr. Bader to renew his license.

28

1 6. Dr. Bader's license shall be on probation for a period of two years from the effective date of
2 this Settlement Agreement and Order. As terms and conditions of the probation, Dr. Bader agrees that
3 he will assure that his chiropractic practice conforms to the following terms, conditions, and practices:

4 (a) Medical Records. For every patient Dr. Bader treats after the effective date of this
5 Settlement Agreement and Order, regardless of the setting within which the treatment is
6 provided, Dr. Bader shall make and maintain health care records in compliance with NAC
7 634.435. The records shall be readily identifiable as being made in SOAP format (Subjective,
8 Objective, Assessment, Plan). Within ten business days of the effective date of this Settlement
9 Agreement and Order, Dr. Bader shall submit to the IBM a copy of his proposed form or
10 computer program (EHR) that he will use for his health care records. The IBM shall review the
11 form or computer program (EHR) and shall either approve it or provide Dr. Bader with direction
12 as to what the proposed form lacks. Once the form or computer program (EHR) is approved by
13 the IBM, Dr. Bader will use it in the treatment of all of his patients thereafter.

14 (b) Recordkeeping. Dr. Bader shall store all medical records, billing records, and other
15 records incident to his chiropractic practice in compliance with Nevada and federal law.

16 (c) Practice Monitoring. Within 30 days of the effective date of this Settlement
17 Agreement and Order, Dr. Bader and the IBM shall consult and determine a chiropractic
18 physician who shall serve as a practice monitor throughout the remainder of the period of
19 probation. The practice monitor shall be provided with a copy of this Settlement Agreement and
20 Order and shall be expected to visit Dr. Bader's practice and recordkeeping facility at such times
21 and with such frequency to view and review his practice, including reviewing health care records
22 and other records made and maintained by the practice related to patients treated by Dr. Bader,
23 to assure that the practice complies with paragraph 6 of the "Agreed Disciplinary Action" section
24 herein. Throughout the period of probation, Dr. Bader shall assure that the practice monitor has
25 access to whatever the practice monitor reasonably requests to assure that Dr. Bader and his
26 practice are in compliance with this paragraph 6. If the practice monitor identifies something
27 that is not in compliance this paragraph 6, the practice monitor shall communicate his or her
28 concerns with Dr. Bader and they shall address the non-compliance to get it back into

1 compliance. The practice monitor shall provide to the Board's office with quarterly reports
2 regarding Dr. Bader's compliance with the terms of paragraph 6, which report shall document
3 those things that are in compliance and those things, if any, which Dr. Bader were required to
4 bring into compliance pursuant to this subparagraph.

5 (d) Personnel Changes. Dr. Bader will notify the Board of any and all changes in his
6 personnel, regardless of position in his office, within 15 business days of each such change.

7 (e) Costs. Dr. Bader shall be responsible to pay any and all reasonable and necessary costs
8 associated with compliance with all portions of paragraph 6. Any failure to pay such costs as they
9 become due shall be deemed a breach of this Settlement Agreement and Order.

10 7. Dr. Bader shall meet with the Board or its representatives upon request and shall cooperate
11 with such representatives in their supervision, monitoring, investigation, or auditing to assure compliance
12 with the terms and conditions of this order. Dr. Bader shall pay any and all reasonable and necessary
13 costs incurred by the Board resultant from this paragraph.

14 8. In the event Dr. Bader fails to materially comply with any term of this Settlement Agreement,
15 Dr. Bader agrees his chiropractor's license in the State of Nevada shall be automatically suspended
16 without any action of the Board other than the issuance of an Order of Suspension by the Executive
17 Director. Upon complying with the term, Dr. Bader's chiropractor's license in the State of Nevada will
18 be automatically reinstated, assuming all other provisions of the Settlement Agreement are in compliance.
19 Additionally, Dr. Bader's failure to comply with any term or condition of this Settlement Agreement may
20 result in further discipline by the Board, up to and potentially including revocation of his license. Board
21 Staff may take any and all actions it deems necessary to collect any sums ordered that remain unpaid. If
22 Board Staff is required to pursue judicial action to effect such collections, it shall be entitled to recover its
23 attorney's fees and costs incurred in pursuing such judicial action.

24 Signed this 21 ^{April} day of ~~March~~ 2017.

25 Respondent Alan Bader

26
27 By 
28 Alan Bader, D.C., Respondent

Chiropractic Physicians' Board of Nevada

By 
Benjamin S. Lurie, D.C.
Investigating Board Member

Julie Strandberg

From: ALAN BADER <ab89503@aol.com>
Sent: Wednesday, April 04, 2018 12:50 PM
To: Julie Strandberg
Subject: Termination of Probation and Practice Monitor

To Whom it may concern:

As of April 21, 2017 I Alan S. Bader, D.C. entered into an agreement with the Chiropractic Physicians board of Nevada and was ordered to complete 2 years of probation and be assigned a practice monitor to review my medical records on a quarterly basis and report to the board on there compliance. Dr. Larry Davis was assigned to act as my monitor over the past year. Pursuant to Dr. Davis's request to the Board and compliance of my records over the past 12 months am requesting that my probation and practice monitor be terminated as of April 21, 2018. Thank you for this consideration.

Sincerely,

Alan S. Bader, D.C.

Julie Strandberg

From: doclrd@aol.com
Sent: Sunday, April 01, 2018 8:36 PM
To: Julie Strandberg
Subject: Dr. Alan Bader Compliance Report

April 1, 2018

Monitor Report

A review of additional records reveals Dr. Alan Bader's record keeping continues to be in accordance with NRS/NAC 634 requirements.

He has met all disciplinary requirements as reported in the January monitor report. Dr. Bader will have completed one year of monitoring as of April 21, 2018.

I am comfortable in recommending that Dr. Bader be released from his probation at the completion of this first year of his 2 year probation period taking into consideration that the record keeping component of his discipline was not the chief causation of his disciplinary action.

Respectfully submitted,

Dr. Lawrence Davis

From: doclrd@aol.com
To: chirobd@chirobd.nv.gov
Sent: 1/4/2018 10:10:50 PM Pacific Standard Time
Subject: Re: Dr. Alan Bader

January 4, 2018

Monitor Report

Dr. Alan Bader, License B567

Purpose of monitoring : Health Care Records Review and compliance with disciplinary actions.

- 1. Board Costs of 1929.80 paid May 17th 2017**
- 2. Fine of \$5000 paid May 17th 2017**
- 3. CPBN Jurisprudence Exam Passed July 12th 2017**
- 4. EBAS Passed July 26th 2017**
- 5. 4 Hours of CE in Ethics and Boundaries Completed Sept 6th 2017**
- 6. 4 Hours of CE in Patient Record Keeping Completed Sept 7th 2017**
- 7. Review of Patient Records showed complete SOAP notes in compliance with record keeping requirements.**

Respectfully Submitted,

Dr. Lawrence Davis

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 6 Discussion/possible action regarding the Matter of Stephen Alexander, DC – 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. Alexander)

RECOMMENDED MOTION: Approve Settlement Agreement & Order

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION:

Effective January 31, 2018 Dr. Alexander signed the proposed Settlement Agreement & Order. Please see the attached document.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 6

APR 17 2018

RECEIVED
RENO, NEVADA 89502

BEFORE THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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IN THE MATTER OF:)
)
STEPHEN ALEXANDER, D.C.)
License No. B958,)
)
Respondent.)
_____)

Case Nos. 17-07S
SETTLEMENT AGREEMENT AND ORDER

The Chiropractic Physicians' Board of Nevada (the Board), by and through its investigating board member Jason Jaeger, D.C., hereby enters into this Settlement Agreement with Stephen Alexander, D.C. (License No. B958). Pursuant to chapter 233B and chapter 634 of the Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), it is hereby stipulated and agreed, by and between the parties in the above-entitled matter, that this matter shall be settled and resolved upon the following terms:

PERTINENT FACTS

1. On September 28, 2002, Dr. Alexander became licensed as a chiropractor in Nevada (License No. B958).
2. On February 27, 2017, the Board office received a complaint regarding Dr. Alexander. The Investigating Board Member (IBM), Dr. Jason Jaeger, investigated the allegations in that complaint and ultimately determined that the allegations in that complaint did not substantiate violations of Nevada's statutes and regulations related to the practice of chiropractic. In the course of the investigation, though, the IBM and Dr. Alexander communicated, and in those communications, the IBM learned from Dr. Alexander that Dr. Alexander did not make or maintain medical records related to all of his patients. Rather, Dr. Alexander explained that he only made and maintained medical records related to his treatment of patients who had personal injury claims. Dr. Alexander further explained that he did not make or maintain records related to his treatment for patients who paid cash or through their insurance or patients who were employees, family members, or personal acquaintances.

APPLICABLE LAW AND UNDERSTANDINGS

3. Dr. Alexander admits the facts set out in the preceding two paragraphs and enters into this Settlement Agreement and Order to avoid the costs and risks associated with a hearing before the

1 Board. Dr. Alexander acknowledges that the Board has evidence sufficient to support the statements
2 made in the preceding two paragraphs and that the conduct set out in the preceding two paragraphs
3 would constitute violations of the Nevada Chiropractic Practice Act (NRS & NAC 634). Dr. Alexander
4 agrees that if the Board determined that the facts set out in the preceding two paragraphs were proven
5 by the preponderance of the evidence presented at a hearing those facts would substantiate violations of
6 Nevada Revised Statutes (NRS) 634.018(10) (conduct unbecoming a chiropractor or detrimental to the
7 best interests of the public), NRS 634.018(11) (violating any statute or regulation pertaining to
8 chiropractic), and NRS 634.140(1) (unprofessional conduct) and Nevada Administrative Code (NAC)
9 634.435 (medical records). Because Dr. Alexander and the IBM are satisfied that resolution of this
10 matter through this Settlement Agreement and Order is in the best interests of both parties, the Board
11 will not file a Notice of Charges in this matter and the parties agree, instead, that the Board should rule
12 upon this Settlement Agreement and Order as containing all necessary elements of due process to
13 authorize the Board to take such action. If the Board approves this Settlement Agreement and Order, it
14 shall be deemed and considered disciplinary action by the Board against Dr. Alexander.

15 4. Dr. Alexander and Dr. Jaeger, the Investigating Board Member in this matter, agree that this
16 matter should be resolved without a full hearing on the merits.

17 5. Dr. Alexander is aware of, understands, and has been advised of the effect of this Settlement
18 Agreement, which he has carefully read and fully acknowledged. Dr. Alexander acknowledges that he
19 could have reviewed this Settlement Agreement with and consulted with legal counsel, but he chose not
20 to do so before entering into this Settlement Agreement.

21 6. Dr. Alexander has freely and voluntarily entered into the Settlement Agreement, and he is
22 aware of his rights to contest the charges pending against him. These rights include representation by
23 an attorney at his own expense, the right to a public hearing on any charges or allegations formally
24 filed, the right to confront and cross-examine witnesses called to testify against him, the right to present
25 evidence on his own behalf, the right to testify on his own behalf, the right to obtain any other type of
26 formal judicial review of this matter, and any other rights which may be accorded to him pursuant the
27 provisions of Chapters 233B, 622, 622A, and 634 of the NRS and the NAC. Dr. Alexander is
28

1 voluntarily waiving all these rights in exchange for the Board's acceptance of this Settlement
2 Agreement.

3 7. Should the Settlement Agreement be rejected by the Board, it is agreed that presentation to
4 and consideration by the Board of such proposed Settlement Agreement or other documents or matters
5 pertaining to the consideration of this Settlement Agreement shall not unfairly or illegally prejudice the
6 Board or any of its members from further participation, consideration, adjudication, or resolution of
7 these proceedings and that no Board member shall be disqualified or challenged for bias.

8 8. Dr. Alexander acknowledges that the Settlement Agreement shall only become effective
9 after both the Board and he have duly executed it.

10
11 **AGREED DISCIPLINARY ACTION**

12 THE PARTIES DO HEREBY AGREE as a result of the acknowledgements contained in
13 paragraphs 1 through 8 above that the following discipline is fair and appropriate and should be
14 imposed by the Board by way of resolution of this matter:

15 1. Dr. Alexander shall pay the Board's fees and costs in the investigation and prosecution of
16 this matter totaling \$933.40, payable by cashier's or certified check or money order made payable to:
17 "Chiropractic Physicians' Board of Nevada." The payment must be received by the Board's office
18 within 30 days of the effective date of the Board's adoption of this Settlement Agreement.

19 2. Dr. Alexander shall pay a fine in the amount of \$500.00 payable by cashier's or certified
20 check or money order made payable to: "Chiropractic Physicians' Board of Nevada." The payment
21 must be received by the Board's office within 30 days of the effective date of the Board's adoption of
22 this Settlement Agreement. Dr. Alexander may combine the amount due under this paragraph with the
23 amount due under paragraph #1 so that he may pay both by a single cashier's or certified check or
24 money order.

25 3. Dr. Alexander shall take and pass the Nevada jurisprudence examination within 90 days of
26 the effective date of this Settlement Agreement and Order. Dr. Alexander may opt to take the
27 examination in-person or online.

28

1 5. Dr. Alexander shall take and pass four hours of continuing education relating to the making
2 and keeping of patient records within 90 days of the effective date of this Settlement Agreement and
3 Order. The continuing education course must be approved by the IBM before the classes are taken and
4 may not be counted as part of the 36 continuing education hours required for Dr. Alexander to renew
5 his license.

6 6. Dr. Alexander's license shall be on probation for a period of one year from the effective date
7 of this Settlement Agreement and Order. As terms and conditions of the probation, Dr. Alexander
8 agrees that he will assure that his chiropractic practice conforms to the following terms, conditions, and
9 practices:

10 (a) Medical Records. For every patient Dr. Alexander treats after the effective date of
11 this Settlement Agreement and Order, regardless of the setting within which the treatment is
12 provided, Dr. Alexander shall make and maintain health care records in compliance with NAC
13 634.435. The records shall be readily identifiable as being made in SOAP format (Subjective,
14 Objective, Assessment, Plan). Within ten days of the effective date of this Settlement
15 Agreement and Order, Dr. Alexander shall submit to the IBM a copy of his proposed form that
16 he will use for his health care records. The IBM shall review the form and shall either approve
17 it or provide Dr. Alexander with direction as to what the proposed form lacks. Once the form is
18 approved by the IBM, Dr. Alexander will use it in the treatment of all of his patients thereafter.

19 (b) Recordkeeping. Dr. Alexander shall store all medical records, billing records, and
20 other records incident to his chiropractic practice in compliance with Nevada and federal law.

21 (c) Practice Monitoring. Within 30 days of the effective date of this Settlement
22 Agreement and Order, Dr. Alexander and the IBM shall consult and determine a chiropractic
23 physician who shall serve as a practice monitor throughout the remainder of the period of
24 probation. The practice monitor shall be provided with a copy of this Settlement Agreement
25 and Order and shall be expected to visit Dr. Alexander's practice and recordkeeping facility at
26 such times and with such frequency to view and review his practice, including reviewing health
27 care records and other records made and maintained by the practice related to patients treated by
28 Dr. Alexander, to assure that the practice complies with paragraph 6 of the "Agreed Disciplinary

1 Action” section herein. Throughout the period of probation, Dr. Alexander shall assure that the
2 practice monitor has access to whatever the practice monitor reasonably requests to assure that
3 Dr. Alexander and his practice are in compliance with this paragraph 6. If the practice monitor
4 identifies something that is not in compliance this paragraph 6, the practice monitor shall
5 communicate his or her concerns with Dr. Alexander and they shall address the non-compliance
6 to get it back into compliance. The practice monitor shall provide to the Board’s office with
7 quarterly reports regarding Dr. Alexander’s compliance with the terms of paragraph 6, which
8 report shall document those things that are in compliance and those things, if any, which Dr.
9 Alexander were required to bring into compliance pursuant to this subparagraph.

10 (d) Personnel Changes. Dr. Alexander will notify the Board of any and all changes in
11 his personnel, regardless of position in his office, within 15 business days of each such change.

12 (e) Costs. Dr. Alexander shall be responsible to pay any and all reasonable and
13 necessary costs associated with compliance with all portions of paragraph 6. Any failure to pay
14 such costs as they become due shall be deemed a breach of this Settlement Agreement and
15 Order.

16 (f) Termination. The probation shall terminate one year from the effective date of the
17 Settlement Agreement, except that it shall not terminate if either: (1) Dr. Alexander has not paid
18 in full all fines, fees, and costs ordered in the Settlement Agreement; and/or (2) Dr. Alexander
19 has not received three consecutive quarterly reports from the Practice Monitor that indicate that
20 Dr. Alexander and his practice are in full compliance with all of the terms of the Settlement
21 Agreement. If the probation does not terminate pursuant to this subparagraph, it shall continue
22 until both of the conditions contained herein have been satisfied.

23 7. Dr. Alexander shall meet with the Board or its representatives upon request and shall
24 cooperate with such representatives in their supervision, monitoring, investigation, or auditing to assure
25 compliance with the terms and conditions of this order. Dr. Alexander shall pay any and all reasonable
26 and necessary costs incurred by the Board resultant from this paragraph.

27 8. In the event Dr. Alexander fails to materially comply with any term of this Settlement
28 Agreement, Dr. Alexander agrees his chiropractor’s license in the State of Nevada shall be

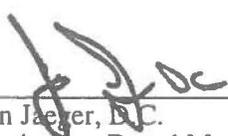
1 automatically suspended without any action of the Board other than the issuance of an Order of
2 Suspension by the Executive Director. Upon complying with the terms, Dr. Alexander's chiropractor's
3 license in the State of Nevada will be automatically reinstated, assuming all other provisions of the
4 Settlement Agreement are in compliance. Additionally, Dr. Alexander's failure to comply with any
5 term or condition of this Settlement Agreement may result in further discipline by the Board, up to and
6 potentially including revocation of his license. Board Staff may take any and all actions it deems
7 necessary to collect any sums ordered that remain unpaid. If Board Staff is required to pursue judicial
8 action to effect such collections, it shall be entitled to recover its attorney's fees and costs incurred in
9 pursuing such judicial action.

10 Signed this 10th day of April, 2018.

11 Respondent Stephen Alexander

Chiropractic Physicians' Board of Nevada

12
13 By 
14 Stephen Alexander, D.C., Respondent

13 By 
14 Jason Jaeger, D.C.
15 Investigating Board Member

16 **ORDER**

17 WHEREAS, on July 19, 2018, the Chiropractic Physicians' Board of Nevada approved and
18 adopted the terms and conditions set forth in the Agreed Settlement and Order with Stephen Alexander,
19 D.C. IT IS SO ORDERED.

20 SIGNED AND EFFECTIVE this ____ day of July, 2018.

21 CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

22
23 _____
24 Morgan Rovetti, D.C.
25 Vice-President & Presiding Officer
26
27
28

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

STATE OF NEVADA



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, M-245
Reno, Nevada 89502-5000
Fax (775) 688-1920

Telephone (775) 688-1921
Website: <http://chirobd.nv.gov>

Email: chirobd@chirobd.nv.gov

June 11, 2018

CERTIFIED MAIL NO. 7017 3040 0000 7273 8038

Stephen Alexander, DC
9516 W. Flamingo Rd., Ste. 125
Las Vegas, NV 89147

Re: Hearing on Settlement Agreement & Order

Dear Dr. Alexander,

On February 27, 2017 the Board received a complaint against you. As you are aware your case has been investigated and will be reviewed by the Board at the following date, time, and place:

July 19, 2018 at 9:00 a.m.
Public Utilities Commission, Room B
9075 W. Diablo Drive, Suite 250
Las Vegas, NV 89148

The purpose of the discussion of the Settlement Agreement & Order by the Board will be to determine whether the Board will approve the Settlement Agreement & Order as written or revise the Order based on the facts. Please be aware that in accordance with Nevada Revised Statutes (NRS) 241.033(4), the Board may go into a closed session to discuss your application.

The President of the Board requests your presence at the July 19, 2018 Board meeting at 9:00 a.m. so that the Board may consider approval of your application.

Please be aware that you **must** appear in person when the Board reviews your matter. You may be represented by counsel of your choice. The Board will have a copy of this letter and the signed Settlement Agreement & Order. Please understand that you bear the burden of proving to the Board that the issuance of a certificate to you is in the best interest of the public health, safety, and general welfare of the people of Nevada. Also, please understand that although you

will receive a full, fair, and unbiased review of this matter by the Board, this is not a contested case subject to the provisions of NRS chapter 233B.

If you have any questions, please feel free to contact me at 775-688-1923.

Sincerely,



Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 7 Discussion/possible action regarding the Matter of Bret Brown, DC – 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. Brown)

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION:

At the Board's January 13, 2017 meeting the Board granted Dr. Brown's application subject to the conditions outlined in the attached letter. Dr. Brown has completed all conditions with the exception of his three years of probation and practice monitoring, which expires February 28, 2020. To date, Dr. Yamane has completed five (5) quarterly reports and indicated that Dr. Brown has been in compliance with the exception of minor oversights.

Dr. Brown has requested to come before the Board pursuant to the attached letter to ask for relief from probation and practice monitoring.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

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

STATE OF NEVADA



XAVIER MARTINEZ, DC
Member
MORGAN 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, M-245
Reno, Nevada 89502-5000

Telephone (775) 688-1921 Fax (775) 688-1920 Email: chirobd@chirobd.nv.gov
Website: <http://chirobd.nv.gov>

January 27, 2017

CERTIFIED MAIL No. 7011 2970 0004 3969 7634

Dr. Brett Brown, DC
1290 W. Horizon Ridge Pkwy., Ste. 2413
Las Vegas, Nevada 89012

Dear Dr. Brown:

This letter shall memorialize the Board's decision that it made at its regular meeting on January 13, 2017 related to your application for licensure and appearance before the Board. As you heard, the Board's discussion detailed its concerns that you were untruthful in your original application with the Board relating to your child support issues and your criminal history. In the course of the discussion, the Board also learned from you that you had practiced chiropractic while employed by Dr. Simoncelli based upon an incorrect understanding that you could do so once you had applied to the Board. You informed the Board that once you learned that your understanding was incorrect, you stopped treating patients and have not done so since.

Based upon your applications and the information provided in your two appearances before the Board related to your applications, the Board granted your application subject to the following conditions:

- (1) You shall take and pass the Ethics & Boundaries Examination related to chiropractic administered by the Ethics and Boundaries Assessment Services, LLC (EBAS). You shall pay the costs associated with taking and passing the EBAS Ethics & Boundaries Examination.
- (2) You shall pay a fine in the amount of \$1,500.00 payable by cashier's or certified check or money order made payable to: "Chiropractic Physicians' Board of Nevada."
- (3) Upon successfully completing conditions #1 and #2 and all other requisites for licensure (such as the jurisprudence examination, etc.), the Board's office will issue you a license as a chiropractic physician, but the license will be on probation for a period of three years from its date of issuance. The terms and conditions of the probation will include:
 - (a) You must complete by December 1, 2017 twelve hours of continuing education specifically related to chiropractic ethics and boundary issues.

These twelve hours of continuing education may not be counted toward your biennial continuing obligation for 2018. All continuing education you might take pursuant to this paragraph must be approved in advance by Dr. Lurie.

- (b) Within 30 days of the effective date of your license, you and Dr. Lurie shall consult and determine a chiropractic physician who shall serve as a practice monitor throughout the period of probation. The practice monitor shall be provided with a copy of this letter and shall be expected to visit your practice at such times and with such frequency to view and review your practice, including reviewing health care records and other records made and maintained by the practice, to assure that the practice complies with all applicable Nevada laws regarding recordkeeping and the practice of chiropractic medicine. Throughout the period of probation, you shall assure that the practice monitor has access to whatever the practice monitor reasonably requests to assure that you and your practice are in compliance with this paragraph. If the practice monitor identifies something that is not in compliance with this paragraph, the practice monitor shall communicate his or her concerns with you, and together you shall address the non-compliance to get it back into compliance. The practice monitor shall provide to the Board's office with quarterly reports regarding your compliance with the terms of this paragraph that shall document those things that are in compliance and those things, if any, that you were required to bring into compliance pursuant to this paragraph. You shall be responsible to pay the costs related to the practice monitor and his or her work under this paragraph.
- (c) You shall assure that your practice of chiropractic medicine complies with all applicable Nevada statutes and regulations.
- (d) You may be asked by Dr. Lurie or a member of the Board's staff to go to a particular testing laboratory to provide bodily fluid samples, and you shall provide the requested sample within four hours of any such request.
- (e) Your failure to materially comply with any term of this probation shall result in the automatic suspension of your license without any action of the Board other than the issuance of an Order of Suspension by the Executive Director. Upon complying with the term, your license will be automatically reinstated, assuming all other provisions of the probation are in compliance. Additionally, your failure to comply with any term or condition of this probation may result in disciplinary action by the Board, up to and potentially including revocation of your license. Board staff may take any and all actions it deems necessary to collect any sums ordered that remain unpaid, and if Board staff is required to pursue judicial action to effect such collection it shall be entitled to recover its attorney's fees and costs incurred in pursuing such judicial action.

If you have any questions about the above-listed conditions and probation, please feel free to give me a call.

Sincerely,


Julie Strandberg
Executive Director

Julie Strandberg

From: Bret Brown <sonofgod55@icloud.com>
Sent: Saturday, June 30, 2018 8:11 PM
To: Julie Strandberg
Subject: Bret Brown DC request to be on Agenda

6-18-18

Chiropractic Physicians Board of Nevada
4600 Kietzke Lane,M-245
Reno, Nevada 89502-5000
Attn.JulieStrandberg

Dear Chiropractic Physicians Board of Nevada:

I am respectfully requesting that my probationary period for License No.B01639 be terminated and satisfied in full. I am requesting this because as of to date I have complied with all the requirements and stipulations that were set forth by the board including paying fines, taking the EBAS test,additional CE credits on ethics and boundaries and being monitored by Dr Yamane quarterly. Currently the monitoring fee is putting a serious strain on my finances as my take home pay is \$1256.43 (see attached pay stubs)every 2 weeks and on the month that I have to pay the \$1600 monitoring fee I am left trying to make ends meet on pay that is less than half of my regular salary for the month.In addition to the \$3000 paid in fines and the EBAS test an additional \$8000.00 has been paid for monitoring for the last 5 quarters. This is becoming very encumbersom. I am sorry I caused this problem with my initial application and am greatly appreciative for your consideration in this matter on the July 19, 2018 meeting.

Sincerely,

Bret C. Brown
1290 West Horizon Ridge Pkwy #2413
Henderson NV 89012
License No.B01639

THE FACE OF THIS DOCUMENT CONTAINS MICROPRINTING • THE BACKGROUND COLOR CHANGES GRADUALLY AND EVENLY FROM DARKER TO LIGHTER WITH THE DARKER AREA AT THE TOP

MOUNTAIN WEST CHIROPRACTIC
9034 W SAHARA AVE
LAS VEGAS NV 89117

1501-1112
EE ID: 41

DD

06/06/2018

16220

DATE

CHECK NO.

PAY TO THE
ORDER OF

BRET C BROWN

Total Net Direct Deposit(s)
****\$1256.43****

AMOUNT

VOID THIS IS NOT A CHECK DOLLARS

****NON-NEGOTIABLE****

AUTHORIZED SIGNATURE(S)

TO VERIFY AUTHENTICITY OF THIS DOCUMENT THE BACK CONTAINS HEAT SENSITIVE INK THAT CHANGES FROM BLUE TO CLEAR AND ALSO CONTAINS AN ARTIFICIAL WATERMARK WHICH CAN BE VIEWED WHEN HELD AT AN ANGLE

FOLD AND REMOVE

FOLD AND REMOVE

PERSONAL AND CHECK INFORMATION

Bret C Brown

Soc Sec #: xxx-xx-xxxx Employee ID: 41

Pay Period: 05/20/18 to 06/02/18
Check Date: 06/06/18 Check #: 16220

NET PAY ALLOCATIONS

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
Check Amount	0.00	0.00
Chkg 5909	1256.43	19283.03
NET PAY	1256.43	19283.03

EARNINGS

DESCRIPTION	HRS/UNITS	RATE	THIS PERIOD (\$)	YTD HOURS	YTD (\$)
Regular			2057.69		23259.59
Bonus					2468.47
Vacation					4249.53
Total Hours					
Gross Earnings					
Total Hrs Worked			2057.69		29977.59

WITHHOLDINGS

DESCRIPTION	FILING STATUS	THIS PERIOD (\$)	YTD (\$)
Social Security		127.58	1858.61
Medicare		29.84	434.68
Fed Income Tax	S 15		1894.39
TOTAL		157.42	4187.68

DEDUCTIONS

DESCRIPTION	THIS PERIOD (\$)	YTD (\$)
Garnishment	643.84	6506.88
TOTAL	643.84	6506.88

NET PAY

THIS PERIOD (\$)
1256.43

YTD (\$)
19283.03

Payroll By Paychex, Inc.

0087 1501-1112 Mountain West Chiropractic • 9034 W Sahara Ave • Las Vegas NV 89117 • (702) 249-0197

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 8 Discussion/possible action regarding the Matter of James Overland Jr., DC – 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. Overland)

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 30 minutes

BACKGROUND INFORMATION: Please see the attached documentation.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 8

James Thomas Overland Jr., DC

Doctor of Chiropractic Degree June 1992 Life University College of Chiropractic -
Georgia

History and Timeline:

November 10, 1992 Dr. Overland Jr. was licensed as a Doctor of Chiropractic in Nevada.

August 7, 1995 Dr. Overland Jr.'s license was suspended for 90 days.

June 20, 2003 Dr. Overland Jr.'s license was placed on probation.

June 20, 2006 Dr. Overland Jr.'s license was restored/reinstated.

August 12, 2007 Dr. Overland Jr.'s license was suspended.

August 26, 2007 Dr. Overland Jr.'s license was revoked.

Effective August 7, 1995 Finding of Fact, Conclusions of Law and Order

January 13, 1995 Respondent received a certified letter informing him that his license was automatically suspended because he had failed to pay his renewal fees.

February 1995 Respondent spoke to Board President, Jeffrey Andrews about the suspension of his license, at which point the Respondent indicated that a check for his renewal had been mailed to the Board.

March 2, 1995 Respondent was served with a Complaint and Notice of Hearing by certified mail.

May 11, 1995 Respondent was served again with a copy of the Complaint and Notice of Hearing by hand delivery.

May 23, 1995 Respondent paid his license renewal fees.

- A) By falsely representing to the Board that a check for renewal fees was in the mail.
- B) By failing to pay timely his license renewal fees as required by NRS 634.130 (2), Respondent engaged in unprofessional conduct as defined by NRS 634.015 (5), for willful disobedience of the law.
- C) By continuing to practice on a suspended license in violation of NRS 634.227 (2) and after being informed by the Board that he must cease and desist such practice until reinstatement, respondent engaged in unprofessional conduct as defined by NRS 634.015(5).

ORDER

1. Respondent to be issued a public reprimand.
2. Pay costs incurred by the Board relating to these disciplinary proceedings.
3. Pay a fine above and beyond the costs assessed. Fine shall be determined by subtracting the costs assessed in the preceding paragraph from \$2,500.00.
4. License to practice chiropractic to be suspended for 90 days.
5. Placed on probation for three years.

Effective June 20, 2003 Findings Fact, Conclusions of Law and Decision

- A) By permitting unlicensed personnel to perform patient services, Respondent violated NRS 634.018 (15) and/or NRS 634.018 (11) including the act found in NAC 634.415 and/or NAC 634.430(m).
- B) By allowing the treatment of patients while absent from his practice, Respondent violated NRS 634.018 (11) including the act found in NRS 634.125 and/or 634.415 and/or NAC 634.119.
- C) By failing to keep clear, complete and accurate patient records, Respondent violated NRS 634.018 (11) including the act found in NAC 634.435 (1).
- D) By providing falsified "SOAP" notes to the Board investigator, Respondent violated NRS 634.018 (11) including the act found in NAC 634.430 (1)(g).
- E) By failing to provide employment records as requested by the Board investigator, Respondent violated NRS 634.018 (11), including the act found in NAC 634.430 (1)(g).
- F) By failing to provide patient records upon request, Respondent violated NRS 634.018 (11), including the act found in NAC 634.430 (1)(h).

DECISION

- 1. License shall be suspended for three years
- 2. Pay the costs of the hearing, which are in excess of \$40,000.00.
- 3. Pay a fine in the amount of \$7,000.00.
- 4. Ordered to have a practice monitor for three years.
- 5. Complete twelve hours of continuing education in record keeping and twelve hours in ethics.
- 6. Take and pass the Nevada law exam.
- 7. Re-take and pass the National Board Special Purposes Examination for Chiropractic (SPEC). ***Completed June 2004.***

Effective May 29, 2007 Agreed Settlement if Disciplinary Action and Order

- A) Respondent admitted guilt to the violation of NRS 634.018 (11), including NAC 634.435 (1) by failure to keep clear, complete and accurate patient records and NAC 634.430 (1)(h) by failing to provide patient records upon request; and
- B) Pay a fine in the amount of \$10,000.00.
- C) Pay \$42,006.38 for costs of investigative and attorney's fees.
- D) Pursuant to NRS 634.190 (2) (d) Respondent agreed to the suspension of his Chiropractic license for a period of one year.
- E) Respondent agreed to be placed on probation for three years and have a practice monitor.
- F) Respondent agreed to take and pass the EBAS within one year of the Agreement.
- G) Respondent agreed to take an additional twelve hours of continuing education on record-keeping.

Effective July 26, 2007 Order Revoking License of James Overland Jr.

For failure to comply and return the Settlement Agreement and Order dated May 29, 2007.

ORDER

- A) License #B526 to be revoked for a period of three years beginning thirty days following the execution of this Order by the Board President.
- B) Dr. Overland Jr. to pay a fine of \$10,000.00 to the State of Nevada and costs in the amount of \$2,420.98 prior to filing any application for reinstatement of his Nevada Chiropractic Physicians License.

Effective October 20, 2008 Health and Human Services (HHS) Office of Inspector General – Dr. Overland Jr. excluded from Medicare, Medicaid and all other Federal Health Care Programs.

April 20, 2018 the Board received a check from Dr. Overland Jr.’s attorney in the amount of \$12,420.98.

June 28, 2018 the Board received Dr. Overland Jr.’s application for DC licensure.

State Licensure:

Dr. Overland holds Expired licensure in Arizona, Ohio and Wisconsin with no derogatory information indicated.

Reasons for Board Appearance:

1. Please refer to NRS 622A.410:
Requirements in cases involving revocation of license; procedure for reinstatement of license.
2. Please refer to NRS 634.204:
Application for removal of limitation or restoration of license; action by Board.
3. Please refer to NRS 634.090 1. (1) (2):
Dr. Overland passed NBCE Parts I-III and Physiotherapy. He did not pass Part IV, nor has he actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years.

The Federation of Chiropractic Licensing Boards Databank reflects four (4) State Licensure actions.

The National Practitioner Data Bank reflects four (4) State Licensure actions and one (1) HHS Office of Inspector General action.

Application



CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
4600 KIETZKE LANE, SUITE M-245
RENO, NV 89502

MO#17769135082 \$200
MO#17-769135083 \$36.25

APPLICATION FOR LICENSE AS A DOCTOR OF CHIROPRACTIC
IN THE STATE OF NEVADA

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

JUN 28 2018

PLEASE ANSWER ALL QUESTIONS COMPLETELY AND TRUTHFULLY WILL RESULT IN DENIAL OF THIS APPLICATION. THE FEES ARE NOT REFUNDABLE.

PRINT OR TYPE:

RECEIVED
RENO, NEVADA 89502

1. FULL NAME JAMES THOMAS OVERLAND JR. AGE 49 SEX M
(FIRST) (MIDDLE) (LAST)

2. ALIASES NONE

3. HOME ADDRESS 1163 Desert Shale Avenue
 CITY Las Vegas STATE NV ZIP 89123

4. MAILING ADDRESS SAME AS ABOVE
 CITY _____ STATE _____ ZIP _____ WORK EMAIL N/A

5. SOCIAL SECURITY NO. _____ TELEPHONE NO. 702-544-9638

6. DATE OF BIRTH _____ PLACE OF BIRTH TACOMA, WA

7. ARE YOU A UNITED STATES CITIZEN? YES NO _____ IF YOU ANSWERED NO ARE YOU: (PLEASE CHECK ONE OF THE FOLLOWING.)
 A QUALIFIED ALIEN (AS DEFINED IN 8 U.S.C.A. § 1641).
 A NONIMMIGRANT UNDER THE IMMIGRATION AND NATIONALITY ACT (8 U.S.C.A. § 1101 et seq).
 AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER 8 U.S.C.A. § 1182(d)(5) FOR LESS THAN ONE YEAR.
 A FOREIGN NATIONAL NOT PHYSICALLY PRESENT IN THE UNITED STATES.
 OTHER - PLEASE PROVIDE DETAILED EXPLANATION.

8. RESIDENT OF THE STATE OF NEVADA? YES IF YES, HOW LONG? since Dec 1992

9. DO YOU HAVE A NEVADA BUSINESS LICENSE? YES _____ NO IF YES, PROVIDE YOUR LICENSE NUMBER _____

10. HAVE YOU EVER SERVED IN THE MILITARY? YES _____ NO DATES OF SERVICE: FROM _____ TO _____
 BRANCH(ES) OF SERVICE _____

11. HAVE YOU EVER SERVED ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES AND SEPARATED FROM SUCH SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE? _____ YES _____ NO

12. HAVE YOU EVER BEEN ASSIGNED TO DUTY FOR A MINIMUM OF 6 CONTINUOUS YEARS IN THE NATIONAL GUARD OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES AND SEPARATED FROM SUCH SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE? _____ YES _____ NO

13. HAVE YOU EVER SERVED THE COMMISSIONED CORPS OF THE UNITED STATES PUBLIC HEALTH SERVICE OR THE COMMISSIONED CORPS OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OF THE UNITED STATES IN THE CAPACITY OF A COMMISSIONED OFFICER WHILE ON ACTIVE DUTY IN DEFENSE OF THE UNITED STATES AND SEPARATED FROM SUCH SERVICE UNDER CONDITIONS OTHER THAN DISHONORABLE? _____ YES _____ NO

14. RESIDENCE ADDRESSES FOR PAST FIVE (5) YEARS 1163 Desert Shale Avenue Las Vegas NV 89123
1492 Rancho Navarro St Henderson, NV 89012

15. NAMES AND ADDRESSES OF ALL EMPLOYERS FOR PAST FIVE (5) YEARS
Pride Mobility Corporation 3200 E Gowen Road #101 North Las Vegas, NV 89030
Medsource Mobility 4395 Cameron St Las Vegas, NV 89103



Please read questions #16 through #18 carefully. If you have any questions please contact the Board.

16. HAVE YOU EVER HAD DISCIPLINARY ACTION BROUGHT AGAINST YOU BY A STATE BOARD OR ANY OTHER GOVERNMENTAL AGENCY, OR IS THERE ANY SUCH ACTION NOW PENDING? YES _____ NO IF YES, GIVE DETAILS AND FINAL DISPOSITION:
license ^{revoked} suspended due to failure to comply with board order (see attached sheet)

17. HAVE YOU EVER BEEN ARRESTED FOR OR CHARGED WITH ANY CRIME OTHER THAN A TRAFFIC VIOLATION (INCLUDE ANY DUI'S)? NOTE: EVEN IF YOU HAVE HAD RECORDS SEALED AND YOU HAVE BEEN TOLD THAT YOUR FILE HAS BEEN CLEARED, YOU MUST REPORT THIS INFORMATION, INCLUDING JUVENILE RECORDS. YES NO IF YES, GIVE DETAILS AND FINAL DISPOSITION: _____

18. HAVE YOU EVER BEEN CONVICTED OF A CRIME OTHER THAN A TRAFFIC VIOLATION (INCLUDE ANY DUI'S)? NOTE: EVEN IF YOU HAVE HAD RECORDS SEALED AND YOU HAVE BEEN TOLD THAT YOUR FILE HAS BEEN CLEARED, YOU MUST REPORT THIS INFORMATION, INCLUDING JUVENILE RECORDS. YES NO IF YES, GIVE DETAILS AND FINAL DISPOSITION: _____

19. HAVE YOU EVER DEFAULTED ON A HEAL (HEALTH EDUCATION ASSISTANCE LOAN)? YES NO IF YES, GIVE DETAILS AND CURRENT STATUS: _____

20. REGARDING CHILD SUPPORT, MARK THE APPROPRIATE RESPONSE (FAILURE TO MARK ONE OF THE THREE WILL RESULT IN DENIAL OF THE APPLICATION):

- I AM NOT SUBJECT TO A COURT ORDER FOR THE SUPPORT OF A CHILD OR CHILDREN.
- I AM SUBJECT TO A COURT ORDER FOR THE SUPPORT OF ONE OR MORE CHILDREN AND AM IN COMPLIANCE WITH THE ORDER OR I AM IN COMPLIANCE WITH A PLAN APPROVED BY THE DISTRICT ATTORNEY OR OTHER PUBLIC AGENCY ENFORCING THE ORDER FOR THE REPAYMENT OF THE AMOUNT OWED PURSUANT TO THE ORDER.
- I AM SUBJECT TO A COURT ORDER FOR THE SUPPORT OF ONE OR MORE CHILDREN AND AM NOT IN COMPLIANCE WITH THE ORDER OR A PLAN APPROVED BY THE DISTRICT ATTORNEY OR OTHER PUBLIC AGENCY ENFORCING THE ORDER FOR THE REPAYMENT OF THE AMOUNT OWED PURSUANT TO THE ORDER.

21. REGARDING CHILD ABUSE, THE FOLLOWING MUST BE READ AND INITIALED:

I HAVE BEEN INFORMED THAT I AM REQUIRED BY LAW TO REPORT THE ABUSE OR NEGLECT OF A CHILD TO AN AGENCY THAT PROVIDES CHILD WELFARE SERVICES OR TO A LAW ENFORCEMENT AGENCY NO LATER THAN 24 HOURS AFTER I KNEW OR HAD REASONABLE CAUSE TO BELIEVE THE CHILD HAD BEEN ABUSED OR NEGLECTED.

Please initial here, thereby acknowledging that you have read and understood the above information: (Signature) Date: 6.28.18

22. HAVE YOU EVER BEEN DRUG OR ALCOHOL DEPENDENT AND/OR ENROLLED IN A DRUG OR ALCOHOL REHABILITATION PROGRAM? YES NO IF YES, GIVE DETAILS: _____

23. ARE YOU CURRENTLY WORKING FOR A NEVADA LICENSED CHIROPRACTOR? YES NO IF YES, GIVE LICENSEE'S NAME AND ADDRESS: _____
DATE EMPLOYED: _____ DUTIES PERFORMED: _____

24. LIST ALL SCHOOLS ATTENDED (HIGH SCHOOL THROUGH CHIROPRACTIC COLLEGE):

NAME OF SCHOOL	DATES ATTENDED	DATE GRADUATED	DEGREE
Capital High School	1982-1986	1986	diploma
Whittier College	1986-1988	N/A	N/A
Life Chiropractic College	1989-1992	6/12/92	DC

25. NUMBER OF CHIROPRACTIC COLLEGE HOURS 4000 + 4776 DATE OF D.C. DEGREE June 1992 6/12/92

26. HAVE YOU PASSED NATIONAL BOARD: PART I YES PART II YES PART III YES PART IV _____ PT YES SPEC YES

27. IF YOU ANSWERED "NO" TO PART IV AND SPEC, YOU MUST GIVE DATE YOU ARE SCHEDULED FOR ONE OF THE FOLLOWING EXAMS: PART IV: _____ or SPEC: _____

28. LIST ANY STATES IN WHICH YOU HAVE APPLIED FOR (WHETHER ISSUED OR NOT) AND IN WHICH YOU HAVE BEEN GRANTED CHIROPRACTIC LICENSURE:

STATE	DATE OF ISSUANCE	STATUS
Nevada	11/10/1992	suspended revoked
Wisconsin	7/9/92 8/6/92	inactive
Ohio	5/23/96	inactive
Arizona	6/1/93	inactive



Please read the Affidavit carefully.

AFFIDAVIT:

THE UNDERSIGNED, BEING DULY SWORN UNDER PENALTY OF PERJURY, DEPOSES AND SAYS THAT THE STATEMENTS CONTAINED HEREIN ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF; THAT HE/SHE HAS NOT SUPPRESSED ANY INFORMATION WHICH MIGHT AFFECT THIS APPLICATION; THAT HE/SHE HAS NOT OMITTED ANY INFORMATION RELEVANT TO HIS/HER CURRENT FITNESS TO PRACTICE; THAT HE/SHE IS OF GOOD MORAL CHARACTER AND WILL CONFORM TO THE ETHICAL STANDARDS AND CONDUCT OF THE PROFESSION; THAT HE/SHE WILL NOTIFY THE CPBN OF ANY AND ALL CHANGES TO THE INFORMATION IN THIS APPLICATION, INCLUDING CHANGES OF ADDRESS AND THAT HE/SHE HAS OTHERWISE MET ALL STATUTORY REQUIREMENTS AND BELIEVES HIM/HERSELF ELIGIBLE FOR LICENSURE TO PRACTICE CHIROPRACTIC, AND THAT HE/SHE HAS READ AND UNDERSTANDS THIS AFFIDAVIT.

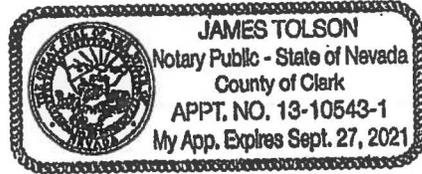
6.22.18
(DATE)

[Signature], D.C.
(SIGNATURE OF APPLICANT)

STATE OF Nevada COUNTY OF Clark

SIGNED AND SWORN TO BEFORE ME ON THIS 22 DAY OF June, 2018

[Signature]
(NOTARY PUBLIC)



addendum's on application per your letter dated June 28, 2018

[Signature] 7.11.18

Supplement to Question 16

August 9, 1995: Findings of Fact, Conclusions of Law, and Decision

Details/Facts: Board found that Respondent failed to pay renewal fees, failed to turn in self-inspection form and misinformed board regarding payment of fees.

Final Disposition of Board: Public reprimand issued; Respondent ordered to pay costs related to disciplinary hearing; fine assessed; Respondent to submit self-inspection form; License suspended for 90 days; Respondent on probation for 3 years; If Respondent violates any provision of the Order of Chiropractic Law during probationary period, license to be automatically suspended.

June 30, 2003: Findings of Fact, Conclusions of Law, and Decision

Details/Facts: Board found that Respondent allowed unlicensed individuals to provide treatment to patients in his practice from January 1999 to August 2002. These patients were billed for adjustments. Respondent's records were inadequate and Respondent provided falsified "SOAP" notes to the Board investigator. Respondent failed to provide the Board with employment, staffing, and patient information and records.

Conclusions of Law: Respondent violated NRS 634.018(15); NRS 634.018(11); NAC 634.415; NAC 634.430(m); NRS 634.125; NRS 634.415; NAC 634.119; NAC 634.435(1); NAC 634.430(1)(g); and NAC 634.430(1)(h).

Final Disposition of Board: Respondent's license was suspended for 3 (three) years but stayed on conditions; ordered to pay the costs of the hearing (\$40,000); ordered to pay a fine of \$7,000; ordered to hire a compliance officer for 3 (three) years; ordered to complete a course in record keeping; ordered to take a 12 (twelve) hour course in ethics; ordered to re-take and pass the Nevada Law Test; and ordered to re-take and pass the National Board Special Purposes Examination for Chiropractic test within 12 months of the date of Board's order.

May 31, 2007: Agreed Settlement of Disciplinary Action and Order

Details/Facts: Respondent was issued a Board Complaint on February 23, 2007 alleging that: he allowed unlicensed persons to treat patients in his office; he violated Statutes and Regulations regarding patient record keeping; he misrepresented his chiropractic practice; obstructed the Board's investigation and failed to comply with Board subpoenas; and improperly waived deductibles and co-pays. Respondent waived his rights to a hearing on the allegations in the Complaint and instead entered into a settlement agreement.

Findings and Conditions of Agreement: Respondent violated NRS 634.018(11), NAC 634.435(1) and NAC 634.430(1). Respondent to pay \$10,000 fine to the Board which would be reported to the National Practitioners Data Bank. Respondent to pay \$42,006.38 to the Board for investigative costs and attorneys fees. Respondent agreed to the suspension of his Chiropractic license for 1 (one) year. Respondent placed on probations for 3 (three) years. Respondent agreed to take, and pass, the National Chiropractic Board Ethics and Boundaries Examination. Respondent agreed to take course on record

keeping. Respondent agreed to reimburse the Board for the cost incurred by the Board to hire a Compliance Officer to monitor his practice for 3 (three) years. Respondent agreed to adhere to NRS 634 and NAC. Respondent agreed that any violation of NRS or NAC would constitute grounds for disciplinary action. Respondent confessed judgment. Respondent agreed to timely comply with all Board investigations, request, and subpoenas.

August 1, 2007: Order Revoking License of James Overland Jr.

Details/Facts: On May 11, 2007 Respondent was offered a settlement for a Complaint for Disciplinary Action filed on February 23, 2007. The terms of the settlement are as follows: Respondent violated NRS 634.018(11), NAC 634.435(1) and NAC 634.430(1); Respondent to pay \$10,000 fine to the Board which would be reported to the National Practitioners Data Bank; Respondent to pay \$42,006.38 to the Board for investigative costs and attorneys fees; Respondent agreed to the suspension of his Chiropractic license for 1 (one) year. Respondent placed on probations for 3 (three) years; Respondent agreed to take, and pass, the National Chiropractic Board Ethics and Boundaries Examination; Respondent agreed to take course on record keeping; Respondent agreed to reimburse the Board for the cost incurred by the Board to hire a Compliance Officer to monitor his practice for 3 (three) years; Respondent agreed to adhere to NRS 634 and NAC; Respondent agreed that any violation of NRS or NAC would constitute grounds for disciplinary action; Respondent confessed judgment; Respondent agreed to timely comply with all Board investigations, request, and subpoenas. Respondent failed to return the executed Settlement Agreement or propose revisions, resulting in a second Complaint for Disciplinary Action and Notice of Hearing to be filed for unprofessional conduct. Respondent was unable to attend the hearing. The Board elected to proceed with the hearing finding that Respondent was in breach of the Settlement Agreement. The Board voted to impose the following penalties: revoke Respondent's license for 3 (three) years; impose an additional \$10,000 fine; charge all costs and fees that the Board incurred.

Conclusions of Law: Respondent was timely sent notices; Respondent failed to file an Answer; a majority of Board Members were present at the hearing; the case was presented as one of unprofessional conduct and breach of Settlement Agreement; the Board has the authority to revoke licenses; the circumstances justified the revocation of Respondent's license; the Board has the authority to require payment for the costs of hearing and also has the authority to impose fines for disciplinary violations.

Final Disposition of Board: Respondent's license revoked for 3 (three) years; Respondent to pay \$10,000 dollar fine; Respondent to reimburse the Board \$2,420.98 for the costs of the proceedings.

June 28, 2018

Dear Board Members,

I would like to thank you for the opportunity to meet with you in person and to discuss my submitted application to practice chiropractic in the state of Nevada. I know there will be a lot of questions from the board regarding my prior actions and desire to return to practice. I wanted to give you some background on my desire to return to the profession and my willingness to do whatever it takes to get my license back.

Personally, this is one of the biggest and most emotionally challenging things I have done in my life. I have made many mistakes of which I am trying to correct and rectify. In the past couple of years, I have tried to own up to the majority of my mistakes that I am aware of or have had the where with all to circle back on my own. This was not the case with the last encounter with the chiropractic board back in 2007. I was struggling personally with my marriage, my children, my relationships with friends and extended family, my career, my home, my finances and spiritually within. This led me to bury my head in the sand and run and hide partially believing that I would never have to face my wrongdoings in the future. That did not happen, I lost my business, my family, my home, connection with my young children, involvement with my parents and close friends as a result of my actions, or as some would see it as no action. This has been a daily struggle for years. I honestly thought once my license was revoked that I would not return nor would I want to return to the profession. I have been denying the truth, but avoiding the glaring obvious...I have always wanted to be a chiropractor at a young age and I want to end my career as a chiropractor. During these past ten years without interaction with the board, I am reminded daily by chiropractic businesses throughout the valley, personally receiving adjustments, friends asking me for advice on doctors to consult, my own care with chiropractic and then there is the fact that my father, a committed and determined chiropractor for now close to 40 years. What a huge disappointment it must be for him to see the rise and fall of a son with the same name and chosen profession to let it all be taken away at my own doing. This realization of truth took me to get to the bottom, that absolute bottom personally, wondering what I am I ever going to do to be happy. Happiness is not tangibles, it is the intangibles of which I desired to not face head on for many years. This all was slowly changing for me until I was involved in a serious bicycle accident in August of 2015. Not wanting to bore you with the details, but I do want to share with you some aspects of the accident to assist the board members with how this crisis helped me to be here in front of you today. I was ride my road bike with a friend on the shoulder of a busy 55 mph road in Henderson, Nevada when I was struck by a side mirror of a vehicle from behind. I was tossed into the rocks flipping over and over all the short while thinking that this is how I am going to die and not knowing what had actually happened. I came to rest with injuries ranging from a skull fracture, rib fractures, countless cuts and bruises, along with several joint complications. I spent several days in two separate hospitals because of the skull fracture I had to be transferred to a level 1 trauma unit at UMC. I soon learned the vehicle that struck me left the scene of the accident. The detectives, the fire fighters, the doctors and nurses and all of friends and family stood solid with me through my recovery and in shock that someone could leave the scene of the accident. I learned that 7 people had been killed on bikes in Clark County that year and I was fortunate to not be number 8. This clearly was a blessing. I, was and have been given a second,

third maybe even a fourth, lease on life. Not just to live, but do everything good to the best of my abilities throughout the rest of my life.

This cannot be accomplished until the weight and burden of my inadequacies with this board have been rendered free and clear of compromise. I sit hear before you today to express my deepest apologies for having to even be here in front of you. This is not easy, but this is necessary for my life to continue as I have been afforded this opportunity to meet with you in person. There has been a lot of time passed and I no longer want to live in the past and I want to move forward in the future as an actively practicing chiropractor in the state of Nevada. I am willing to comply with the board recommendations of how to pursue the license once again. I have attended two recent seminars within the profession. I recently attended the ACA annual convention weekend here in Las Vegas along with an ethics and boundaries training from Dr. Mario Fucinari through NCMIC. I am planning on attending an extremity adjusting seminar in September this year. I am willing to do what will be required of me to practice. I believe that I am a benefit to the community with my passion for chiropractic above all other healthcare disciplines. I want to make that difference again. I see past patients in the grocery store and they recognize me and still years later thank me for caring for them. I failed them by not staying compliant within the profession. I failed their families by not being accessible to care for their growing outreach to the community of which I could have possibly been a chiropractic advocate or even their chiropractor. I also have failed and minimized the importance of the profession to my father and all chiropractic colleagues. I have been an outsider, of which I no longer desire to be on the sidelines. I request this time with the board to navigate these waters, however high the tides, to show the board that I have changed in so many ways and I want to bring good to the profession and all those around me, especially, the board members who govern this great profession of chiropractic.

A handwritten signature in black ink, appearing to read "Paul".

7-11-18

COMPLETE AND RETURN TO:

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

4600 Kietzke Lane, Suite M-245, Reno, NV 89502

Telephone (775) 688-1921 ~ Fax (775) 688-1920

**MORAL CHARACTER REFERENCE INFORMATION FOR
APPLICANT FOR LICENSURE AS A DOCTOR OF CHIROPRACTIC**

Please identify three (3) references who have known you for at least three (3) years and complete all information requested. List one licensed DC or Professor at a school of Chiropractic and two individual character references. Please note, the Board may contact the names below to answer any questions regarding your moral turpitude or your application for Doctor of Chiropractic in the State of Nevada.

DC Applicant Name:	James Thomas Overland Jr
Address:	1163 Desert Shale Avenue
	Las Vegas, NV 89123

DC or Professor: Art Louie, DC

Address: 8525 S. Eastern Avenue, Suite 120 Las Vegas, NV 89123

Phone Number: 702.795.0222

Email: _____

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

JUN 28 2018

Individual: Steve Delay

Relationship: friend

Address: 1492 Rancho Navarro St Henderson, NV 89012

Phone Number: 702-493-2661

Email: stevedelay@earthlink.net

RECEIVED
RENO, NEVADA 89502

Individual: Mark Fetto

Relationship: friend

Address: 6275 S. Sandhill Rd #100 Las Vegas, NV 89120

Phone Number: 702-210-3752

Email: mfetto@cox.net

6/4/18

To Whom It May Concern:

I am writing this letter of reference to educate on the character of James Overland. James is a personal friend whom I have known for 20 years.

During the time I have known him, I have found James to have very many positive traits. I have known him to be a very loyal, honest, respectful, caring and compassionate person. If any of his friends or their families have any type of issue, medical or otherwise, James is always the first person to volunteer to help in any way he can. He is also an excellent communicator and problem solver. Whenever he adopts a cause or new interest, he is guaranteed to be highly committed and I have been impressed with his dedication to any endeavor in which he has been involved. James is organized, extremely competent and has an excellent rapport with people of all ages. He is a well-balanced person with an abundance of positive qualities.

In conclusion, I believe these attributes demonstrate someone with an exceptional character. Therefore, I can recommend James Overland, for any task or endeavor that he may seek to pursue where enthusiasm, hard work and trustworthiness are valued.

I'm sure it is clear that I think highly of Jim and you will find my trust in him well placed.

Please feel free to contact me using the information provided below.

Sincerely,



Mark A. Fetto
Chief Operating Officer
Morpheus Technologies, LLC
702-210-3752
mfetto@cox.net

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

JUN 28 2018

RECEIVED
RENO, NEVADA 89502

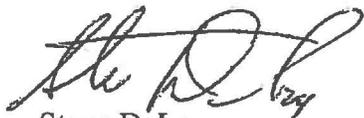
TO WHOM IT MAY CONCERN,

Please consider this a character reference for Jim Overland.

I've known him for nearly 20 years both as a client and a friend. He is one of the most outstanding individuals I know. He'll drop everything to help someone in need and is someone I would trust with my children and my dog. (who may be more important than any children I would have!).

He is a terrific community supporter and volunteer for numerous causes as well and an excellent addition to the chiropractic profession.

Best regards,



Steve DeLay

stevedelay@earthlink.net

702-493-2661

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

JUN 28 2018

RECEIVED
RENO, NEVADA 89502

Art of Chiropractic

8525 S. Eastern Ave, Ste. 120, Las Vegas, Nevada 89123
phone: (702) 795-0222 fax: (702) 795-8268

To Whom It May Concern:

Re: James Overland Jr.

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

JUN 28 2018

RECEIVED
RENO, NEVADA 89502

I have known Jim Jr. for close to 25 years. I have worked with him for a number of years; and can state that he has always conducted himself in a very professional and caring manner.

He also has been a patient off and on for the past 10 years or so. He has also referred a number of people to my office. He has always had chiropractic on his mind.

I feel that he would be a great asset to the profession if he were to return to practice.

I would not hesitate to have him treat me or anyone in my family. If there are any questions, please do not hesitate to call.

Thank You,



Art Louie
Doctor of Chiropractic

License Verifications

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

JUL 10 2018



STATE OF WISCONSIN
Department of Safety and Professional Services

RENO, NEVADA 89502

Electronic Licensure Verification

This real-time Licensure Verification page is electronically certified proof of licensure, as requested, and as it appears in the files of the State Of Wisconsin - DSPS as of Tuesday, July 10, 2018 1:27:00 PM - Central Daylight Time

Printer Friendly

License Information

Name OVERLAND, JAMES T
Credential Type Chiropractic
Credential Number 2894-12
Location HENDERSON, NV
Status credential license is not current (expired)
Issue Date 07/09/1992
Expiration Date 12/31/1992
Disciplinary Order (s) No
Licensee JAMES T OVERLAND

History

Description	Code	Date
11001 PD 082 XR 085 AT 093 WR 094	EXAM	06/25/1992
LIFE-MARIETTA GA	GRADUATED FROM	06/12/1992
PHYS 456; PART III 486	EXAM	03/01/1992

The information above is the only certification information provided by this Department. To expedite the certification process, the above format is the standard format for all professions required by this Department.

Aloysius F. Rohmeyer
Record Custodian
Department of Safety and Professional Services



Ohio State Chiropractic Board

77 S. High Street, 16th Floor, Columbus, Ohio 43215-0108 | chirobd.ohio.gov
(614) 644-7032 | (888) 772-1384 | OSCB.ChiroBd@chr.state.oh.us

This message is automatically generated by the Ohio State Chiropractic Board.

Please do not reply to this email

VERIFICATION OF OHIO LICENSE

This is a primary source verification from the State of Ohio.

Licensee Name: James Thomas Overland, Jr.
License Type: Chiropractic
License Number: DC-02347
Issue Date: 5/23/1996
Expiration Date: 12/31/1997
License Status: Inactive
License Sub-Status:
Disciplinary Action: No

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

JUL 12 2018

RECEIVED
RENO, NEVADA 89502

Kelly A. Caudill
Kelly A. Caudill
Executive Director

7/12/2018
Date





State of Arizona Board of Chiropractic Examiners

1740 West Adams Street, Suite 2430 • Phoenix, Arizona 85007
Voice: (602) 864-5088 • www.chiroboard.az.gov

Obtain a License Verification

File a Complaint

New Search

Chiropractic Physician's Information

The information provided on this page is considered public record. Please note that you may obtain additional public records related to this or any licensee, including dismissed complaints and nondisiplinary actions and orders, by contacting the Board directly at (602)864-5088 or at generalinfo@chiroboard.az.gov. The Board may charge for copies of these public records.

Name:	James T. Overland , D.C.
Mailing Address:	4632 S. Maryland Pkwy. #6 Las Vegas NV 89119
Phone:	(702) 798-1112
License #	5111
License Issued:	6/1/1993
Status:	LAPSED
Specialty Certificates:	
Percutaneous Therapy Registration # & Date:	

Discipline: There are no disciplinary actions

Non-Disciplinary Board Orders: There are no Non-Disciplinary Board Orders for this licensee. Please note that you may obtain additional public records related to this or any licensee, including dismissed complaints and nondisiplinary actions and orders, by contacting the Board directly at (602)864-5088 or at generalinfo@chiroboard.az.gov



State of Arizona Board of Chiropractic Examiners

1951 West Camelback Road, Suite 330 • Phoenix, Arizona 85015
Phone (602) 864-5088 • FAX (602) 864-5099
www.chiroboard.az.gov

Request for Verification of Licensure

Please complete this form and return it to the above address with a check or money order for \$25.00. Make your check or money order payable to "Arizona Board of Chiropractic Examiners." Attach any forms that must be completed by the Board. If you do not attach a form, we will use our standard verification form. Please allow 2 weeks for processing.

Arizona License Information:

Name (as it appears in our records): JAMES THOMAS OVERLAND JR.
License Number: 5111
Mailing Address: 1163 Desert Shale Avenue
City: Las Vegas State: NV Zip: 89123
Telephone: (702) 544-9638

Address to which the verification of licensure should be mailed:

Mail it to me at the above address.

Mail it to the following agency:

Name: Chiropractic Physicians' Board of Nevada
Mailing Address: 4600 Kietzke Lane # M245
City: Reno State: NV Zip: 89502

Signature: Date: 7-6-18

National Practitioner Data Bank

OVERLAND, JAMES THOMAS JR. - ONE-TIME QUERY RESPONSE

A. SUBJECT IDENTIFICATION INFORMATION (Recipients should verify that subject identified is, in fact, the subject of interest.)

Practitioner Name: OVERLAND, JAMES THOMAS JR.
Date of Birth: 01/05/1969 **Gender:** MALE
Organization Type: CHIROPRACTIC GROUP/PRACTICE (361)
Work Address: 1163 DESERT SHALE AVE, LAS VEGAS, NV 89123-3180
Home Address: 1163 DESERT SHALE AVE, LAS VEGAS, NV 89123-3180
Social Security Number: ***-**-7211
License: CHIROPRACTOR, B00526, NV
Professional School(s): LIFE UNIVERSITY COLLEGE OF CHIROPRACTIC (1992)

B. QUERY INFORMATION

Statutes Queried: Title IV; Section 1921; Section 1128E
Query Type: This is a One-Time query response. Your organization will only receive future reports on this practitioner if another query is submitted.
Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA (DBID ending in ...20)
Authorized Submitter: JULIE STRANDBERG, EXECUTIVE DIRECTOR, (775) 688-1923

C. SUMMARY OF REPORTS ON FILE WITH THE DATA BANK AS OF 06/25/2018

The following report types have been searched:

Medical Malpractice Payment Report(s):	No Reports	Health Plan Action(s):	No Reports
State Licensure Action(s):	Yes, See Below	Professional Society Action(s):	No Reports
Exclusion or Debarment Action(s):	Yes, See Below	DEA/Federal Licensure Action(s):	No Reports
Government Administrative Action(s):	No Reports	Judgment or Conviction Report(s):	No Reports
Clinical Privileges Action(s):	No Reports	Peer Review Organization Action(s):	No Reports

HHS OFFICE OF INSPECTOR GENERAL

EXCLUSION/DEBARMENT

Basis for Action: - LICENSE REVOCATION, SUSPENSION OR OTHER DISCIPLINARY ACTION TAKEN BY A FEDERAL, STATE OR LOCAL LICENSING AUTHORITY

Initial Action: - EXCLUSION FROM MEDICARE, MEDICAID AND ALL OTHER FEDERAL HEALTH CARE PROGRAMS **Date of Action:** 10/20/2008
DCN: 5500000072366097

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action: - REVOCATION OF LICENSE **Date of Action:** 08/26/2007
DCN: 5500000047607971

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action: - SUSPENSION OF LICENSE **Date of Action:** 08/12/2007
DCN: 5500000046736554

Subsequent Action: - LICENSE RESTORED OR REINSTATED, COMPLETE **Date of Action:** 06/20/2006
DCN: 5500000047607180

DCN: 5500000135935083

Process Date: 06/25/2018

Page: 2 of 2

OVERLAND, JAMES THOMAS JR.

For authorized use by:

CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE

Basis for Action: - UNPROFESSIONAL CONDUCT

Initial Action: - PROBATION OF LICENSE
DCN: 5500000043538139

Date of Action: 06/20/2003

----- Unabridged Report(s) Follow -----

OVERLAND, JAMES JR

HHS OFFICE OF INSPECTOR GENERAL

EXCLUSION/DEBARMENT ACTION

Date of Action: 10/20/2008

Initial Action

Basis for Initial Action

- EXCLUSION FROM MEDICARE, MEDICAID AND ALL OTHER FEDERAL HEALTH CARE PROGRAMS

- LICENSE REVOCATION, SUSPENSION OR OTHER DISCIPLINARY ACTION TAKEN BY A FEDERAL, STATE OR LOCAL LICENSING AUTHORITY

A. REPORTING ENTITY

Entity Name: HHS OFFICE OF INSPECTOR GENERAL *
Address: 7175 SECURITY BOULEVARD
STE. 210
City, State, Zip: BALTIMORE, MD 21244
Country:
Name or Office: JOANN M. FRANCIS
Title or Department: INVESTIGATIONS ANALYST
Telephone: (202) 205-4193

Entity Internal Report Reference:
Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 12/06/2016:

Entity Name: HHS OFFICE OF INSPECTOR GENERAL
Address: PO BOX 23871
City, State, Zip: WASHINGTON, DC 20026-3871
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OVERLAND, JAMES JR
Other Name(s) Used:
Gender: UNKNOWN
Date of Birth: 01/05/1969
Organization Name:
Work Address:
City, State, ZIP:
Organization Type:
Home Address: 268 DARK FOREST AVE
City, State, ZIP: LAS VEGAS, NV 89123-1114
Deceased: NO

Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-7211
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI): 1649478033
Professional School(s) & Year(s) of Graduation:
Occupation/Field of Licensure (Code): NURSE AIDE/NURSING ASSISTANT
State License Number, State of Licensure:
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN): U38132

Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in

DCN: 5500000072366097
Process Date: 12/24/2011
Page: 2 of 3
OVERLAND, JAMES JR
For authorized use by:
 CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

the Reported Action.):
 Business Address of Affiliate:
 City, State, ZIP:
 Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: EXCLUSION/DEBARMENT
 Basis for Action: LICENSE REVOCATION, SUSPENSION OR OTHER DISCIPLINARY ACTION TAKEN BY A FEDERAL, STATE OR LOCAL LICENSING AUTHORITY (39)
 Name of Agency or Program That Took the Adverse Action Specified in This Report: HHS OIG EXCLUSIONS BRANCH
 Adverse Action Classification Code(s): EXCLUSION FROM MEDICARE, MEDICAID AND ALL OTHER FEDERAL HEALTH CARE PROGRAMS (1508)
 Date Action Was Taken: 09/25/2008
 Date Action Became Effective: 10/20/2008
 Length of Action: INDEFINITE
 Is Subject Automatically Reinstated After Adverse Action Period Is Completed?:
 Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: LICENSE REVOKED, SUSPENDED, SURRENDERED OR OTHERWISE LOST FOR REASONS BEARING ON PROFESSIONAL PERFORMANCE, PROFESSIONAL COMPETENCE OR FINANCIAL INTEGRITY.

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- This report has been disputed by the subject identified in Section B.
- At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 12/24/2011
 Date of Most Recent Change: 12/24/2011

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OVERLAND, JAMES T JR.

This report is maintained under the provisions of: Title IV; Section 1921; Section 1128E

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Title IV of Public Law 99-660, as amended, Section 1921 of the Social Security Act, Section 1128E of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

OVERLAND, JAMES T JR.

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE ACTION

Date of Action: 08/26/2007

Initial Action

Basis for Initial Action

- REVOCATION OF LICENSE

- UNPROFESSIONAL CONDUCT

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923
Entity Internal Report Reference:
Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 06/28/2017:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OVERLAND, JAMES T JR.
Other Name(s) Used:
Gender: MALE
Date of Birth: 01/05/1969
Organization Name:
Work Address: 55 S. VALLE VERDE
SUITE 450
City, State, ZIP: HENDERSON, NV 89012
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN

Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-7211
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: LIFE UNIVERSITY COLLEGE OF CHIROPRACTIC (1992)
Occupation/Field of Licensure (Code): CHIROPRACTOR
State License Number, State of Licensure: B-526, NV
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in the Reported Action.):

DCN: 5500000047607971
Process Date: 08/22/2007
Page: 2 of 3
OVERLAND, JAMES T JR.
For authorized use by:
 CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Business Address of Affiliate:
 City, State, ZIP:
 Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE
 Basis for Action: UNPROFESSIONAL CONDUCT (10)
 Name of Agency or Program That Took the Adverse Action Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
 Adverse Action Classification Code(s): REVOCATION OF LICENSE (1110)
 Date Action Was Taken: 07/26/2007
 Date Action Became Effective: 08/26/2007
 Length of Action: SPECIFIC PERIOD
 Years: 3
 Months: 0
 Days: 0

Total Amount of Monetary Penalty, Assessment and/or Restitution: \$ 10,000.00

Is Subject Automatically Reinstated After Adverse Action Period Is Completed?: NO

Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: DR. OVERLAND IS REQUIRED TO PAY THE \$10,000 FINE TO THE STATE OF NEVADA AND REIMBURSE THE BOARD FOR ITS COSTS PRIOR TO FILING ANY APPLICATION FOR REINSTATEMENT OF HIS NEVADA CHIROPRACTIC PHYSICIAN'S LICENSE.

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- This report has been disputed by the subject identified in Section B.
- At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

DCN: 5500000047607971

Process Date: 08/22/2007

Page: 3 of 3

OVERLAND, JAMES T JR.

For authorized use by:

CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Date of Original Submission: 08/22/2007

Date of Most Recent Change: 08/22/2007

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OVERLAND, JAMES T JR.

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

OVERLAND, JAMES T JR.

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE ACTION

Date of Action: 08/12/2007

Initial Action

Basis for Initial Action

- SUSPENSION OF LICENSE

- UNPROFESSIONAL CONDUCT

This action has related reports:

Initial Action: [This Action]

Subsequent Action: - LICENSE RESTORED OR REINSTATED, COMPLETE
Date of Action: 06/20/2006 **DCN:** 5500000047607180

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923
Entity Internal Report Reference:
Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 06/28/2017:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OVERLAND, JAMES T JR.
Other Name(s) Used:
Gender: MALE
Date of Birth: 01/05/1969
Organization Name:
Work Address: 55 S. VALLE VERDE
SUITE 450
City, State, ZIP: HENDERSON, NV 89012
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN
Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-7211
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: LIFE UNIVERSITY COLLEGE OF CHIROPRACTIC (1992)
Occupation/Field of Licensure (Code): CHIROPRACTOR

DCN: 5500000046736554
Process Date: 06/15/2007
Page: 2 of 3
 OVERLAND, JAMES T JR.
 For authorized use by:
 CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

State License Number, State of Licensure: B-526, NV
 Drug Enforcement Administration (DEA) Numbers:
 Unique Physician Identification Numbers (UPIN):
 Name(s) of Health Care Entity (Entities) With Which Subject Is
 Affiliated or Associated (Inclusion Does Not Imply Complicity in
 the Reported Action.):
 Business Address of Affiliate:
 City, State, ZIP:
 Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE
 Basis for Action: UNPROFESSIONAL CONDUCT (10)
 Name of Agency or Program That Took the Adverse Action Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
 Adverse Action Classification Code(s): SUSPENSION OF LICENSE (1135)
 Date Action Was Taken: 05/11/2007
 Date Action Became Effective: 08/12/2007
 Length of Action: SPECIFIC PERIOD
 Years: 1
 Months: 0
 Days: 0
 Total Amount of Monetary Penalty, Assessment and/or Restitution: \$ 10,000.00
 Is Subject Automatically Reinstated After Adverse Action Period Is Completed?: YES
 Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: UNPROFESSIONAL CONDUCT

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- This report has been disputed by the subject identified in Section B.
- At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

DCN: 5500000046736554
Process Date: 06/15/2007
Page: 3 of 3
OVERLAND, JAMES T JR.
For authorized use by:
CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Date of Original Submission: 06/15/2007
Date of Most Recent Change: 06/15/2007

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OVERLAND, JAMES T JR.

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

DCN: 5500000047607180
Process Date: 08/22/2007
Page: 1 of 3
 OVERLAND, JAMES T JR.
 For authorized use by:
 CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

OVERLAND, JAMES T JR.

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE ACTION

Date of Action: 06/20/2006

Subsequent Action

Basis for Initial Action

- LICENSE RESTORED OR REINSTATED, COMPLETE

- UNPROFESSIONAL CONDUCT

This action has related reports:

Initial Action: - SUSPENSION OF LICENSE

Date of Action: 08/12/2007 **DCN:** 5500000046736554

Subsequent Action: [This Action]

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923

Entity Internal Report Reference:

Type of Report: REVISION

Related Report Number: 5500000046736554

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 06/28/2017:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OVERLAND, JAMES T JR.
Other Name(s) Used:
Gender: MALE
Date of Birth: 01/05/1969
Organization Name:
Work Address: 55 S. VALLE VERDE
 SUITE 450
City, State, ZIP: HENDERSON, NV 89012
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN

Federal Employer Identification Numbers (FEIN):

Social Security Numbers (SSN): ***-**-7211

Individual Taxpayer Identification Numbers (ITIN):

National Provider Identifiers (NPI):

Professional School(s) & Year(s) of Graduation: LIFE UNIVERSITY COLLEGE OF CHIROPRACTIC (1992)

Occupation/Field of Licensure (Code): CHIROPRACTOR

State License Number, State of Licensure: B-526, NV

Drug Enforcement Administration (DEA) Numbers:

Unique Physician Identification Numbers (UPIN):

Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in the Reported Action.):

Business Address of Affiliate:

City, State, ZIP:

Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE

Name of Agency or Program That Took the Adverse Action Specified in This Report:

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Adverse Action

Classification Code(s): LICENSE RESTORED OR REINSTATED, COMPLETE (1280)

Date Action Was Taken: 06/20/2006

Date Action Became Effective: 06/20/2006

Total Amount of Monetary Penalty, Assessment and/or Restitution:

Is Subject Automatically Reinstated After Adverse Action Period Is Completed?:

YES

Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity:

DR. OVERLAND'S PROBATION ENDED 6/20/2006.

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- This report has been disputed by the subject identified in Section B.
- At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

DCN: 5500000047607180

Process Date: 08/22/2007

Page: 3 of 3

OVERLAND, JAMES T JR.

For authorized use by:

CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

Date of Original Submission: 08/22/2007

Date of Most Recent Change: 08/22/2007

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OVERLAND, JAMES T JR.

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

OVERLAND, JAMES T JR.

CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

STATE LICENSURE ACTION

Date of Action: 06/20/2003

Initial Action

Basis for Initial Action

- PROBATION OF LICENSE

- UNPROFESSIONAL CONDUCT

A. REPORTING ENTITY

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA *
Address: 4600 KIETZKE LANE, SUITE M-245
City, State, Zip: RENO, NV 89502-5000
Country:
Name or Office: JULIE STRANDBERG
Title or Department: EXECUTIVE DIRECTOR
Telephone: (775) 688-1923
Entity Internal Report Reference:
Type of Report: INITIAL

*The reporting entity has changed its name or address on file with the NPDB. The following is the entity's most recent contact information reported to the NPDB on 06/28/2017:

Entity Name: CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
Address: 4600 KIETZKE LN STE M245
City, State, Zip: RENO, NV 89502-5000
Country:

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: OVERLAND, JAMES T JR.
Other Name(s) Used:
Gender: MALE
Date of Birth: 01/05/1969
Organization Name:
Work Address: 1240 EAST STATE STREET
SUITE 105
City, State, ZIP: PAHRUMP, NV 89048
Organization Type:
Home Address:
City, State, ZIP:
Deceased: UNKNOWN
Federal Employer Identification Numbers (FEIN):
Social Security Numbers (SSN): ***-**-7211
Individual Taxpayer Identification Numbers (ITIN):
National Provider Identifiers (NPI):
Professional School(s) & Year(s) of Graduation: LIFE UNIVERSITY COLLEGE OF CHIROPRACTIC (1992)
Occupation/Field of Licensure (Code): CHIROPRACTOR
State License Number, State of Licensure: B-526, NV
Drug Enforcement Administration (DEA) Numbers:
Unique Physician Identification Numbers (UPIN):
Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in the Reported Action.):

DCN: 5500000043538139
Process Date: 10/03/2006
Page: 2 of 3
OVERLAND, JAMES T JR.
For authorized use by:
 CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Business Address of Affiliate:
 City, State, ZIP:
 Nature of Relationship(s):

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE
 Basis for Action: UNPROFESSIONAL CONDUCT (10)
 Name of Agency or Program That Took the Adverse Action Specified in This Report: CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
 Adverse Action Classification Code(s): PROBATION OF LICENSE (1125)
 Date Action Was Taken: 06/20/2003
 Date Action Became Effective: 06/20/2003
 Length of Action: SPECIFIC PERIOD
 Years: 3
 Months: 0
 Days: 0
 Total Amount of Monetary Penalty, Assessment and/or Restitution:
 Is Subject Automatically Reinstated After Adverse Action Period Is Completed?: YES
 Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: REIMBURSEMENT OF BOARD'S COSTS IN AMOUNT OF \$52,011 IN ADDITION TO FINE.

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- This report has been disputed by the subject identified in Section B.
- At the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services and a decision was reached. The subject has requested that the Secretary reconsider the original decision.
- At the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 10/03/2006
 Date of Most Recent Change: 10/03/2006

DCN: 5500000043538139

Process Date: 10/03/2006

Page: 3 of 3

OVERLAND, JAMES T JR.

For authorized use by:

CHIROPRACTIC PHYSICIANS BOARD OF
NEVADA

**F. SUPPLEMENTAL
SUBJECT
INFORMATION ON
FILE WITH DATA
BANK**

The following information was not provided by the reporting entity identified in Section A of this report. The information was submitted to the Data Bank from other sources and is intended to supplement the information contained in this report.

Subject Name(s): OVERLAND, JAMES T JR.

This report is maintained under the provisions of: Section 1921

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

Federation of
Chiropractic
Licensing Boards

[Return to List](#)[Print This Page](#)

Federation of Chiropractic Licensing Boards
DATABANK ACTION REPORT
 CHIROPRACTIC REGULATORY BOARD ACTIONS
QUERY REPORT: CIN-BAD

Questions? Bridget Seader, CIN-BAD Administrator (970) 356-3500 / FAX (970) 356-3599 / E-mail bseader@fclb.org

For authorized use by Nevada State Board of Chiropractic Physicians
 Log-in by Julie Strandberg
 User title Executive Director

Contact Phone 775-688-1921
 Contact Email chirobd@chirobd.nv.gov
 Last accessed 7/5/2018 6:20:59 PM

SUBJECT NAME **Obteen Nehemiah Nassiri** **Date of birth** 8/30/1969

Other names used No Information Reported

Deceased: N
Gender Male
U.S. NPI # No Information Reported

CONTACT INFORMATION:

Address 1: 2100 S Maryland Pkwy Ste 8, Las Vegas, NV 89104
Address 2: 231 Royal Wood Ct, Las Vegas, NV 89148

EDUCATION INFORMATION:

Chiropractic Education: Southern CA Univ of Health Sciences - Los Angeles Coll of Chiro (1999)
Degree: D.C.
Other Certifications: No Information Reported
Other Prof'l Licenses: No Information Reported

PRIMARY SOURCE VERIFIED DATA FOLLOWS

LICENSURE INFORMATION:

State	License#	Licensed Since
NEVADA	B847	9/4/2000

BOARD ACTIONS:

NEVADA

Reference #7-10S

Date of Action: 2/16/2011
Effective Date: 2/16/2011
Appeal Date:

Basis	Action	Length	Permanent	Auto Reinst.	N
Basis 1: Unprofessional Conduct					
Basis 2: Violation of Other Federal or State Statutes/Regulations/Rules					
Basis 3: Inadequate Supervision/Allowing Unlicensed Practice					
Action 1: Revocation					
Action 2: Fine / Monetary Penalty	(\$0.00)				

Notes

NV reports on actions of 2/16/11, Dr. Nassiri's license was revoked and he was ordered to pay a fine based on unprofessional conduct, violating other board rules and improper or abusive billing practices.

MEDICARE SANCTIONS:

US Medicare Exclusions

The US Department of Health and Human Services has provided information on sanctions involving the following individual. Because of the similarity in names, the FCLB has linked that information to this person's report.

Obteen Nehemiah Nassiri
 231 Royal Wood Ct
 Las Vegas, NV 89148 USA
Date of Birth: 8/30/1969

Date sanction was imposed: 10/20/2011

Violation of Social Security Act section: 1128b4

License revocation or suspension

**REMEMBER: Do not take official actions without consulting the board(s) which took action.
Information is copyrighted by the Federation of Chiropractic Licensing Boards, all rights reserved**

For internal use of Nevada State Board of Chiropractic Physicians only.

Please note that not being listed in the database does not guarantee that actions have not been taken by regulatory boards. Reports can be in process and not yet received by the FCLB. It is strongly urged that you contact the board(s) to verify: (1) if the doctor has a license in good standing; (2) has any pending or previous actions; (3) has any complaints filed against him/her. It is the responsibility of the person initiating the search to query at a later date to see if new actions have been reported after the date of the search. This Chiropractic Information Network-Board Action Databank (CIN-BAD) is a "red-flag" service designed to bring attention to matters of potential concern or positive status. Any subsequent actions taken as a result of this report must be based on complete information obtained directly from the licensing authority(ies) which took the original board action(s), or other authorities as noted in this report. It is understood that CIN-BAD is compiled from information provided by sources including international state and provincial licensing authorities, US Department of Health and Human Services (DHHS), and others. The FCLB is not responsible for any inaccurate or incomplete information provided to it by these sources.

ORIGINAL

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Filed 11:08 AM

AUG 01 2007

Cindy Wade

RECEIVED
RENO, NEVADA 89502

BEFORE THE CHIROPRACTIC
PHYSICIANS BOARD OF NEVADA

IN THE MATTER OF)	
)	
JAMES OVERLAND, JR. D.C.	)	CASE NO. 06-18
LICENSE NO.: B526	)	06-19
	)	06-22
	)	Written Charges Pursuant to NRS 634
Respondent.)	
_____)	

ORDER REVOKING LICENSE OF JAMES OVERLAND JR.

On July 13, 2007, the CHIROPRACTIC PHYSICIANS BOARD OF NEVADA (Hereinafter " Board"), held a hearing regarding the Complaint and Notice of Hearing filed Against James Overland, Jr., D.C. Present at the Board Meeting were the following Board Members: Stephanie Youngblood D.C., President; Margaret Colucci D. C. Vice-President ; Ian Yamane, D.C., Secretary; Richard P. McCann, J.D., Consumer Member; Deed Harrison, D.C., Member; and Curtis Potts, D.C., Member.

By a majority vote on July 13, 2007 the Chiropractic Physicians' Board of Nevada approved and adopted the terms and conditions set forth in this Order Revoking License of JAMES T. OVERLAND, JR. D.C. Respondent

Present for the Board and prosecuting this action was Elizabeth J. Foley, Esq. Also present at the hearing was Cindy Wade, Executive Director of the Board. Gina Sessions, Esq., Deputy Attorney General, sat as Board counsel for purposes of this disciplinary action. James Overland, Jr., D.C. was not present and was not represented by legal counsel.

Based upon the provisions of NRS Chapter 634 and NAC Chapter 634, and pursuant to the relevant provisions of NRS Chapter 233B, the Board hereby makes the following Findings of Fact,

1 Conclusions of Law and Order.

2 FINDINGS OF FACT

- 3 1) On May 11, 2007, a settlement was put on the record before the Board of Chiropractic
4 Physicians with Dr. James Overland, Jr. D.C. appearing personally and expressly agreeing
5 to the terms of the Settlement. The May 11, 2007 Settlement stemmed from a Complaint
6 for Disciplinary Action filed on February 23, 2007 as Case Numbers 06-18; 06-19; and 06-
7 22; and
8
- 9 2) The terms of the Settlement put on the record before the Board on May 11, 2007 are as
10 follows:
11
- 12 A) Respondent admits to guilt as to the violation of NRS 634.018 (11) I including
13 NAC 634.435(1) by failure to keep clear, complete and accurate patient records
14 and NAC 634.430 (1)(h) by failing to provide patient records upon request; and
15
- 16 B) Respondent shall pay a fine to the Board in the amount of Ten Thousand Dollars
17 (\$10,000.00) to be paid by August 12, 2007 and prior to reactivation of
18 Respondents License Number B-526 and said amount shall be reported to the
19 National Practitioners Data Bank; and
- 20 C) Respondent shall pay the sum of [Forty Two Thousand and Six Dollars and Thirty
21 Eight Cents (\$42,006.38)] to the Board for costs for investigative and attorneys
22 fees incurred by the Board to date; and one half of this amount Twenty One
23 Thousand and Three Dollars and Nineteen Cents, (\$21,003.19) shall be paid to the
24 Board on or before August 12, 2007 and the balance to be paid in the amount of
25 \$1666.66 monthly payments beginning September 12, 2007 and continuing until
26 paid in full; and
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D) Pursuant to NRS 634.190(2)(d) Respondent agrees to the suspension of his Chiropractic license for a period of one (1) year beginning August 12, 2007. Respondent shall not be present at the premises of Advantage Chiropractic in Henderson, Nevada during normal business hours during the one (1) year suspension period. Normal business hours are defined as Monday through Friday 8:30 a.m. until 6:00 p.m. and Saturday 9:00 a.m. until 1:00 p.m. If the costs and fines have not been paid in full at the end of the one year period ending August 12, 2008, the suspension will continue until the fine and costs are paid in full.

E) Respondent agrees to be placed on probation for a period of three (3) years beginning at the end of the suspension . During the three (3) year probationary period, Respondent shall allow a Board member and /or, the Compliance Officer, approved by the Board and/or its agent to enter and inspect at any time his chiropractic facility and review his patient records, including but not limited to new patient and patient contact information, releases, liens, examination, x-rays and x-ray reports, treatment records SOAP notes, superbills, sign-in sheets, narrative reports, billing and payment records, receipt books, appointment calendars, and any other records related to patient care, and all documents and records related to his employment of persons to perform any manner of treatment to his patients, including but not limited to employment applications, payroll records, registration applications, correspondence with the Board, training programs and certificates. Further upon request, Respondent must make available copies of any and all agreements with any and all third parties; and

F) Respondent agrees to take, and pass, the National Chiropractic Board Ethics and

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- Boundaries Examination within one year of the adoption of this Agreement; and
- G) Respondent agrees to take an additional twelve hours of continuing education course on record-keeping within one year; and
- H) Respondent agrees to reimburse the Board on a quarterly basis for the costs of hiring a Board appointed Compliance Officer who will physically meet and monitor his practice and file a written report quarterly on Dr. DR. JAMES OVERLAND, JR.'s compliance with and adherence to Nevada Statutes, Rules, and Regulations for a period of three (3) years from the end of the suspension of Dr. JAMES T. OVERLAND JR's license pursuant to Section 11(d) .; and
- I) Respondent agrees to strictly adhere to Chapter 634 of the Nevada Revised Statutes and the Nevada Administrative Code; and
- J) Any violation of this Agreed Settlement of NRS or NAC Chapter 634 constitutes grounds for the Board to take appropriate disciplinary action against Respondent; and
- K) DR. JAMES T. OVERLAND JR., hereby confesses to Judgment and agrees that any unpaid portion of the costs and fees shall be reduced to a judgment for punitive damages upon default; and
- L) DR. JAMES T. OVERLAND JR. will sign all further documents necessary to effectuate this agreement including but not limited to a Security Agreement; and
- M) Dr. JAMES T. OVERLAND JR. will timely comply with all Board investigations, records requests, and subpoenas; and
- N) The respondent shall be given an accounting of the costs assessed pursuant to Section 11(c) of this Agreement.

- 1 3) By letter dated May 30, 2007, Dr. Overland, Jr., D.C. was warned by prosecuting
2 attorney Elizabeth J. Foley, Esq. that unless he returned the executed Settlement
3 Agreement to her office by the close of business on Monday, June 4, 2007 that a new
4 Disciplinary Complaint would be filed and set for July 13, 2007. The letter dated May 30,
5 2007 was sent to Dr. Overland Jr. D.C. Via facsimile and United States Mail; and
- 6
7 4) When Dr. Overland failed to return the executed Settlement Agreement, or to
8 propose any revisions to the Settlement Agreement, a second Complaint for Disciplinary
9 Action and Notice of Hearing was filed on June 14, 2007 in Case Number 06-18; 06-19,
10 and 06-22 seeking further discipline for unprofessional conduct; and
- 11
12 5) Dr. Overland, Jr., D.C. received the second Complaint and sent a facsimile on
13 June 15, 2007 to Elizabeth J. Foley, Esq. requesting that she contact him as soon as
14 possible "to discuss the needless Complaint that you filed."; and
- 15
16 6) James Overland Jr. failed to file any Answer to the June 14, 2007 Complaint
17 despite the following language on the first page of the Complaint:
18 "An Answer to this Notice of Charges must be filed with the Board and served upon the
19 Board's counsel within fifteen (15) days after service of this Notice of Charges. A
20 Respondent who fails to Answer this Notice of Charges within Fifteen (15) days shall be
21 deemed to have admitted the allegations set forth in this Notice of Charges. Based on those
22 admissions, the Board may impose discipline on the licensee in the same manner as if the
23 allegation had been proven by substantial evidence at a hearing of the Board held on the
24 Complaint."; and
- 25
26 7) James Overland Jr. has been disciplined by the Board of Chiropractic Physicians
27 on numerous occasions. James Overland, Jr. was initially disciplined for failing to renew
28

his Chiropractic License and continuing to practice Chiropractic on a suspended license;
and

8) Respondent JAMES OVERLAND, JR., was previously found guilty of the following violations: (1) NRS 634.018(15) and/or NRS 634.018(11), including NAC 634.415 and/or NAC 634.430(m), by permitting unlicensed personnel to perform patient services; (2) NRS 634.018(11), including NRS 634.125, and/or NAC 634.415 and/or NAC 634.119, by allowing the treatment of his patients while he was absent from his practice; (3) NRS 634.018(11), including NAC 634.430(1)(e)(1), by billing patients for adjustments that were not actually provided; (4) NRS 634.018(11), including NAC 634.435(1), by failing to keep clear, complete and accurate patient records; (5) NRS 634.018(11), including NAC 634.430(1)(g), by providing falsified SOAP notes to the board's investigator; (6) NRS 634.018(11), including NAC 634.430(1)(g), by failing to

provide employment records as requested by the board's investigator; (7) NRS 634.018(11), including NAC 634.430(1)(h), by failing to provide patient records upon request. Effective June 20, 2003 Dr. Overland's license was suspended for three years with the suspension stayed provided he reimburse the board \$52,011.23 for its costs within 90 days of the effective date of the board's order; Dr. Overland Jr. he was assessed a fine in the amount of \$7,000 to be paid within twelve months of the effective date of the board's order; he was required to attend a board approved record keeping seminar with credit to be given for renewal of his license and to attend a board approved ethics course, both to be attended within twelve months; he was required to hire at his expense a board approved compliance officer to monitor his practice for three years with quarterly reports to be submitted to the board; he was required to take and pass the CPBN law test within 90 days of the effective

1 date of the board's order with two opportunities to pass; and he was required to take and
2 pass the National Board SPEC test within 12 months of the effective date of the board's
3 order with two opportunities to pass. Dr. Overland's license was to be suspended if he fails
4 to meet any of the above requirements; and
5

6 9) The Disciplinary Hearing on the alleged unprofessional conduct was scheduled to begin at
7 9:00 a.m. July 13, 2007. At 8:39 a.m. on July 13, 2007, Dr. Overland Jr.'s office faxed a
8 message that Dr. Overland Jr. has had a personal emergency out of state and is unable to
9 personally address the issues; and
10

11 10) The Board was presented with copy of the facsimile from Dr. Overland Jr.'s office and
12 elected to proceed with the disciplinary hearing; and

13 11) The Board reviewed the documentary evidence and ruled that Dr. Overland Jr. had engaged
14 in unprofessional conduct and was in breach of the express terms of the Settlement
15 Agreement; and

16 12) Following open and public deliberations the Board voted unanimously to impose the
17 following penalties for the unprofessional conduct and breach of the Settlement Agreement:
18

19 A) Revocation of Dr. Overland, Jr.'s License Number B526 for period of three (3)
20 years to begin thirty days form the date this Order is executed by the Board
21 President; and

22 B) Imposition an additional of fine the amount of Ten Thousand Dollars
23 (\$10,000.00) which must be paid prior to any application for reinstatement may be
24 filed; and
25

26 C) All costs and fees of the Board incurred from May 12, 2007 through the
27 date this Order is executed by the President of the Board in the amount to be
28

1 determined by the Executive Director of the Board.

2 **CONCLUSIONS OF LAW**

- 3
- 4 1) The case was properly noticed pursuant to NRS 241.020; and
- 5 2) Dr. James Overland, Jr. was timely sent the Notices to his last known business address
- 6 required by NRS 241.33; NRS 233B.121 and NRS 233B.127(3) in the form of a Complaint
- 7 and Notice of Hearing and letters from the prosecuting attorney; and
- 8 3) Dr. James Overland Jr. actually received the Complaint and failed to file and Answer
- 9 thereto; and
- 10 4) A majority of the Board Members were present at the hearing. See NRS 634.020(1); and
- 11 5) The case was presented to the Board as one of unprofessional conduct and breach of
- 12 Settlement Agreement; and
- 13 6) The Board has the authority to revoke licenses. NRS 634.190(2)(b); and
- 14 7) The totality of circumstance surrounding the repeated disciplinary violations of Dr. James
- 15 Overland, Jr. justify the revocation of his licenses as a Chiropractic Physician; and
- 16 8) The Baird also has the authority to require that a licensee pay the costs of a hearing NRS
- 17 634.190(2)(g); and
- 18 9) The Board also has authority to impose fines for disciplinary violations.
- 19
- 20

21 **ORDER**

22 Based upon the proceeding, it is hereby ORDERED that the Chiropractic Physicians license

23 of James Overland Jr. B526 should be and the same is hereby revoked for a period of three (3)

24 years beginning thirty (30) days following the execution of this Order by the Board President; and

25

26 IT IS FURTHER ORDERED that James Overland, Jr. pay a fine of Ten Thousand Dollars

27 (\$10,000.00) to the State of Nevada prior to filing any application for reinstatement of his Nevada

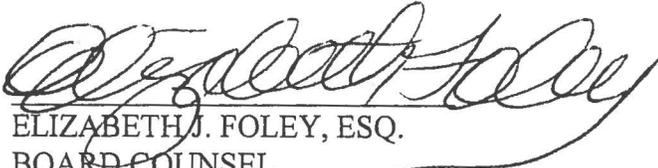
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1 License to practice chiropractic; and

2 IT IS FURTHER ORDERED that James Overland Jr. Reimburse the Board for its costs of
3 this proceeding in the amount of \$2,420.98 prior to filing any application for reinstatement of his
4 Nevada Chiropractic Physicians License.
5

6 DATED this 26 day of July, 2007.

7 APPROVED AS TO FORM & CONTENT

8
9 
10 ELIZABETH J. FOLEY, ESQ.
11 BOARD COUNSEL

12 IT IS SO ORDERED this 26 day of July, 2007.
13
14
15

16 BY Dr. Stephanie Youngblood
17 STEPHANIE YOUNGBLOOD, D.C.
18 President, Chiropractic Physicians' Board of
19 Nevada
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ORIGINAL

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

BEFORE THE CHIROPRACTIC PHYSICIANS BOARD OF NEVADA

Filed: 10:42 AM
MAY 31 2007

Quid Wade
RECEIVED
RENO, NEVADA 89502

IN THE MATTER OF)	
JAMES OVERLAND, JR. D.C.	)	CASE NO. 06-18
LICENSE NO.: B526	)	06-19
	)	06-22
)	
Respondent.	)	AGREED SETTLEMENT OF DISCIPLINARY ACTION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between JAMES OVERLAND, JR., D.C. (hereinafter "Respondent"), and the Chiropractic Physicians Board of Nevada (herein after "Board") by and through its Investigating Member the Board, Margaret Colucci, D.C. (hereinafter "Investigating Member") and the Board's counsel Elizabeth J. Foley, Esq. as follows:

BACKGROUND

- 1) The Respondent is licensed as a doctor of Chiropractic in the State of Nevada under license number B-526.
- 2) Respondent JAMES OVERLAND JR., D.C. was previously found guilty of the following violations by the Board:

(1) NRS 634.018(15) and/or NRS 634.018(11), including NAC 634.415 and/or NAC 634.430(m), by permitting unlicensed personnel to perform patient services; (2) NRS 634.018(11), including NRS 634.125, and/or NAC 634.415 and/or NAC 634.119, by allowing the treatment of his patients while he was absent from his practice; (3) NRS 634.018(11), including NAC

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634.430(1)(e)(1), by billing patients for adjustments that were not actually provided; (4) NRS 634.018(11), including NAC 634.435(1), by failing to keep clear, complete and accurate patient records; (5) NRS 634.018(11), including NAC 634.430(1)(g), by providing falsified SOAP notes to the board's investigator; (6) NRS 634.018(11), including NAC 634.430(1)(g), by failing to provide employment records as requested by the board's investigator; (7) NRS 634.018(11), including NAC 634.430(1)(h), by failing to provide patient records upon request

3) Respondent has practiced Chiropractic in the State of Nevada under the business names of Affiliated Chiropractic Center in Pahrump, Nevada and Advantage Chiropractic in Henderson, Nevada.

4) On February 23, 2007, Respondent was issued a Board Complaint which alleged as follows:

- A) Dr. JAMES T. OVERLAND JR., had allowed unlicensed persons to treat patients in his Pahrump Office; and
- B) DR. JAMES T. OVERLAND, JR. violated Chiropractic Statutes and Regulations governing patient record keeping; and
- C) DR. JAMES T. OVERLAND JR., engaged in misrepresentation with respect to his chiropractic practice; and
- D) DR. JAMES T. OVERLAND JR., obstructed the Board's lawful investigation and failed to comply with Board subpoenas; and

1 E) DR. JAMES T. OVERLAND JR. improperly waived deductibles and
2 co-pays; and

3
4 5) DR. JAMES T. OVERLAND JR. filed an Answer to the Board's Complaint on
5 or about April 19, 2007 in which he admitted that some patient SOAP Notes
6 were not completely filled out at the time of service but denied the remaining
7 allegations.

8 **JURISDICTION**

9
10 6) Respondent JAMES T. OVERLAND JR., D.C. was at the relevant times
11 mentioned herein a licensed chiropractor (License Number B-526) and he acknowledges
12 the Board has jurisdiction over him and the conduct addressed in the Complaint.

13 **I**

14 **ACKNOWLEDGMENT AND VOLUNTARY WAIVER OF RIGHTS**

15
16 7) Respondent is aware of and fully understands, his right to have a hearing on the
17 allegations set forth in the Complaint, his rights to reconsideration, appeal, and all other
18 rights which may be accorded by the Nevada Administrative Procedure Act, the Nevada
19 Chiropractic Act and accompanying regulations, and the federal and state constitutions.
20 Respondent understands that he has the right to be represented by counsel in this matter
21 at his own expense.

22
23 8) Respondent hereby freely, voluntarily and intelligently, waives the rights
24 enumerated above, and instead chooses to enter into this Agreed Settlement with the
25 Board in accordance with NRS233B.121(5).

26 9) In consideration of execution of this Agreed Settlement, Respondent for himself,
27
28

1 his heirs, executors, administrators, successors, and assigns, hereby release, remise, and
2 forever discharges the state of Nevada, the Board, and each of their members, agents,
3 and employees in their individual and representative capacities, from any and all manner
4 of actions, causes of action, suits, debts, judgments, executions, claims and demands
5 whatsoever known and unknown, in law or equity, the Respondent ever had, now has,
6 may have, or claim to have, or claim to have against any or all of the persons or entities
7 named in this section, arising out of or by reason of the Board's investigation, this
8 disciplinary action, and all other matters relating hereto.
9

10 10) Respondent hereby indemnifies and holds harmless the State of Nevada, the
11 Board, and each of their members, agents, and employees in their individual and
12 representative capacities against any and all claims, suits, and actions brought against
13 said person and/or entities by reason of the Board's investigation, this disciplinary action
14 and all other matters relating thereto, and against any and all expenses, damages, and
15 costs including court costs and attorney fees, which may be sustained by the persons
16 and/or entities named in this section as a result of said claims, suits, and actions.
17
18

19 **FINDINGS AND CONDITIONS OF AGREEMENT**

20 11) Based upon the limited investigation to date and applying the administrative
21 burden of substantial evidence as set forth in State Employment Security vs. Hilton
22 Hotels, 102 NEV 600, 608, 720, P.2d 49, 498 (1986); and Minton v. Board of Medical
23 Examiner, 110 Nev. 1060 881 P.2d 1339 (1994) and NRS 233B.135 (3)(e) and NAC
24 634.650(2), but not for any other purpose, the Boards finds that this matter may be
25 resolved on the following terms:
26
27
28

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1 A) Respondent admits to guilt as to the violation of NRS 634.018 (11) I
2 including NAC 634.435(1) by failure to keep clear, complete and accurate
3 patient records and NAC 634.430 (1)(h) by failing to provide patient
4 records upon request; and

5
6 B) Respondent shall pay a fine to the Board in the amount of Ten
7 Thousand Dollars (\$10,000.00) to be paid by August 12, 2007 and prior
8 to reactivation of Respondents License Number B-526 and said amount
9 shall be reported to the National Practitioners Data Bank; and

10 C) Respondent shall pay the sum of [Forty Two Thousand and Six
11 Dollars and Thirty Eight Cents (\$42,006.38)] to the Board for costs for
12 investigative and attorneys fees incurred by the Board to date; and one
13 half of this amount Twenty One Thousand and Three Dollars and
14 Nineteen Cents, (\$21,0003.19) shall be paid to the Board on or before
15 August 12, 2007 and the balance to be paid in the amount of \$1666.66
16 monthly payments beginning September 12, 2007 and continuing until
17 paid in full; and

18 D) Pursuant to NRS 634.190(2)(d) Respondent agrees to the suspension
19 of his Chiropractic license for a period of one (1) year beginning August
20 12, 2007. Respondent shall not be present at the premises of Advantage
21 Chiropractic in Henderson, Nevada during normal business hours during
22 the one (1) year suspension period. Normal business hours are defined as
23 Monday through Friday 8:30 a.m. until 6:00 p.m. and Saturday 9:00 a.m.
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until 1:00 p.m. If the costs and fines have not been paid in full at the end of the one year period ending August 12, 2008, the suspension will continue until the fine and costs are paid in full.

E) Respondent agrees to be placed on probation for a period of three (3) years beginning at the end of the suspension . During the three (3) year probationary period, Respondent shall allow a Board member and /or, the Compliance Officer, approved by the Board and/or its agent to enter and inspect at any time his chiropractic facility and review his patient records, including but not limited to new patient and patient contact information, releases, liens, examination, x-rays and x-ray reports, treatment records SOAP notes, superbills, sign-in sheets, narrative reports, billing and payment records, receipt books, appointment calendars, and any other records related to patient care, and all documents and records related to his employment of persons to perform any manner of treatment to his patients, including but not limited to employment applications, payroll records, registration applications, correspondence with the Board, training programs and certificates. Further upon request, Respondent must make available copies of any and all agreements with any and all third parties; and

F) Respondent agrees to take, and pass, the National Chiropractic Board Ethics and Boundaries Examination within one year of the adoption of this Agreement; and

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- G) Respondent agrees to take an additional twelve hours of continuing education course on record-keeping within one year; and
- H) Respondent agrees to reimburse the Board on a quarterly basis for the costs of hiring a Board appointed Compliance Officer who will physically meet and monitor his practice and file a written report quarterly on Dr. DR. JAMES OVERLAND, JR.'s compliance with and adherence to Nevada Statutes, Rules, and Regulations for a period of three (3) years from the end of the suspension of Dr. JAMES T. OVERLAND JR's license pursuant to Section 11(d) .; and
- I) Respondent agrees to strictly adhere to Chapter 634 of the Nevada Revised Statutes and the Nevada Administrative Code; and
- J) Any violation of this Agreed Settlement of NRS or NAC Chapter 634 constitutes grounds for the Board to take appropriate disciplinary action against Respondent; and
- K) DR. JAMES T. OVERLAND JR., hereby confesses to Judgment and agrees that any unpaid portion of the costs and fees shall be reduced to a judgment for punitive damages upon default; and
- L) DR. JAMES T. OVERLAND JR. will sign all further documents necessary to effectuate this agreement including but not limited to a Security Agreement; and
- M) Dr. JAMES T. OVERLAND JR. will timely comply with all Board investigations, records requests, and subpoenas; and

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1 N) The respondent shall be given an accounting of the costs assessed
2 pursuant to Section 11(c) of this Agreement.
3

4
5 **ACCEPTANCE OF AGREEMENT BY BOARD**

6 12) Respondent understands that the terms of this Agreed Settlement were presented
7 to and were approved by the Board at the duly convened meeting on May 11, 2007.

8 **EFFECT OF COMPLETE AGREEMENT**

9 13) This Agreed Settlement of Disciplinary Action and Order consists of Nine (9)
10 pages and embodies the entire Agreement reached between the Board and Respondent.
11 It may not be altered, amended or modified without the express written consent of the
12 parties.
13

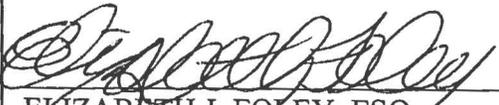
14 14) The Board shall retain Jurisdiction in this case until all conditions have been met
15 to the satisfaction of the Board.

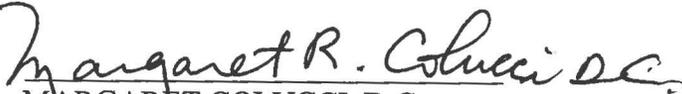
16 15) If the Respondent fails to comply with any of the terms of this agreement, this
17 matter may be brought back before the Board for further action on the Amended
18 Complaint against Respondent on file herein.
19

20 DATED this 29 day of May, 2007.

21 APPROVED AS TO FORM &
22 CONTENT

APPROVED AS TO FORM &
CONTENT

23
24 
25 ELIZABETH J. FOLEY, ESQ
26 BOARD COUNSEL

27 
28 MARGARET COLUCCI, D.C.
INVESTIGATING MEMBER

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ORDER

By a majority vote on May 11, 2007, Chiropractic Physicians' Board of Nevada approved and adopted the terms and conditions set forth in the Agreed Settlement of Disciplinary Action with JAMES T. OVERLAND, JR. D.C. Respondent.

IT IS SO ORDERED.

DATED this 29 day of May, 2007. STATE OF NEVADA CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

BY Dr. Stephanie Youngblood
STEPHANIE YOUNGBLOOD D.C.
President, Chiropractic Physicians' Board of Nevada

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BEFORE THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

*Filed 6/30/03
8:45 AM
CAPN BY
Quincy Wade*

In the Matter of

Complaint No. #01-26

JAMES OVERLAND, DC,

Respondent.

_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

This matter came on for hearing before the Chiropractic Physicians' Board of Nevada (Board) on March 8-9, April 12-13 and May 31, 2003, before Board members Lawrence Davis, D.C.; Stephanie Youngblood, D.C.; Ian Yamane, D.C. and Margaret Colucci, D.C. Respondent was present and represented by counsel, Benson Lee, Esq. The matter having been submitted to the Board, the Board now enters the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT

1. Respondent operates Affiliated Chiropractic Center in Pahrump, Nevada. The conduct at issue took place from approximately January 1999 until August 2002.
2. Respondent has had the following unlicensed individuals providing treatment to patients in his practice: Joe Castanada, Liz Castanada, Marcie Manahan, Autumn Gavan, and Faith Siminic.
3. Respondent was out of the office on the dates of June 19, 2000, December 4, 2000 and January 11, 2001. On June 19, 2000 approximately 54 patients were treated at Respondent's practice. On December 4, 2000 approximately 79 patients were treated at Respondent's practice. On January 11, 2001 approximately 44 patients were treated at Respondent's practice.

- 1 4. Patients on the dates Respondent was out of the office were billed for adjustments that
- 2 were not actually provided.
- 3 5. Respondent's records for patients were inadequate in documenting the results of
- 4 comprehensive examinations, report of findings, and in x-ray evaluation and reporting.
- 5 6. Respondent provided falsified "SOAP" notes as part of the patient records provided to
- 6 the Board investigator.
- 7 7. Despite repeated requests, Respondent failed to provide the Board with employment
- 8 and staffing information.
- 9 8. Respondent failed to provide patient records upon request to Debra Wagnon, Marcie
- 10 Monahan and the Board.

11 **CONCLUSIONS OF LAW**

- 12 9. By permitting unlicensed personnel to perform patient services, Respondent is in
- 13 violation of NRS 634.018(15) and/or NRS 634.018(11) including the act found NAC
- 14 634.415 and/or NAC 634.430(m).
- 15 10. By allowing the treatment of patients while absent from his practice, Respondent
- 16 violated NRS 634.018(11) including the act found at NRS 634.125 and/or 634.415
- 17 and/or NAC 634.119.
- 18 11. By failing to keep clear, complete and accurate patient records, Respondent violated
- 19 NRS 634.018(11) including the act found at NAC 634.435(1).
- 20 12. By providing falsified "SOAP" notes to the Board investigator, Respondent violated
- 21 NRS 634.018(11) including the act found at NAC 634.430(1)(g).
- 22 13. By failing to provide employment records as requested by the Board investigator,
- 23 Respondent is in violation of NRS 634.018(11) including the act found at NAC
- 24 634.430(1)(g).
- 25 14. By failing to provide patient records upon request, Respondent violated NRS 634.018(11)
- 26 including the act found at NAC 634.430(1)(h).
- 27
- 28
- 29

DECISION

IT IS HEREBY ORDERED as follows:

1. Respondent's license is suspended for 3 (three) years, but the suspension is stayed on the condition that Respondent complies with the following terms and conditions.
2. Respondent is ordered to pay the costs of the hearing, which are in excess of \$40,000, within 90 (ninety) days of the date of the Board's order.
3. Respondent is ordered to pay a fine in the amount of \$7,000 within 12 (twelve) months of the date of the Board's order.
4. Respondent is ordered to hire a compliance officer, approved by the Board, to monitor his practice and make quarterly reports to the Board for 3 (three) years. The compliance officer must monitor the licensing of staff, supervision of employees, Respondent's presence in the office when patient are treated, patient record keeping and billing. The compliance officer will also review patient files to ensure that each patient receives an initial examination and periodic re-examinations.
5. Respondent is ordered to complete a 12 (twelve) hour course in record keeping within 12 (twelve) months of the date of the Board's order. The class must be approved by the Board and be non-home study. The class will count toward Respondent's continuing education requirement.
6. Respondent is ordered to complete a 12 (twelve) hour course in ethics. The class must be approved by the Board and be non-home study.

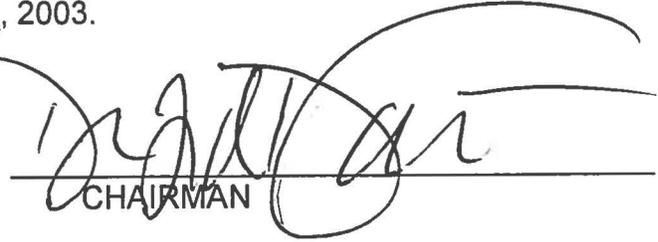
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7. Respondent is ordered to re-take and pass the Nevada Law Test within 90 days of the date of the Board's order. Respondent has two (2) opportunities to pass the test within the 90 days.

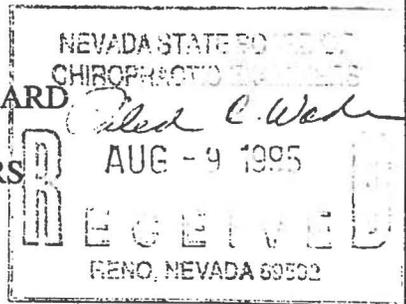
8. Respondent is ordered to re-take and pass the National Board Special Purposes Examination for Chiropractic (S.P.E.C.) test within twelve (12) months of the date of the Board's order. Respondent has two (2) opportunities to pass the test within the twelve months.

IT IS SO ORDERED.

Dated this 20 day of June, 2003.


CHAIRMAN

BEFORE THE NEVADA STATE BOARD
OF CHIROPRACTIC EXAMINERS



In the Matter of)
)
JAMES T. OVERLAND, JR., D.C.)
)
Respondent.)
_____)

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A hearing was held on the above matter by the Nevada State Board of Chiropractic Examiners (Board) on June 3, 1995, at 10:00 a.m., at the Office of the Nevada State Board of Chiropractic Examiners Conference Room, 4600 Kietzke Lane, Reno, Nevada. The hearing was conducted in compliance with the provisions of chapters 233B and 634 of the Nevada Revised Statutes (NRS) and chapter 634 of the Nevada Administrative Code (NAC). Dr. Overland appeared and represented himself. Deputy Attorney General Ronda Moore appeared and presented the case against Respondent. Board member John Lukens, Esq., advised the Board in matters of procedure and order.

The Board, having duly considered the evidence introduced by the parties, both oral and documentary, and having fully considered the law and being fully advised herein, makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent received a letter from the Board by certified mail on January 13, 1995, informing him that his license was automatically suspended because he had failed to pay his renewal fees.
2. Respondent received a letter from the Board by certified mail on February 2,

1 1995, informing him that he had failed to turned in his self-inspection form and that he may
2 be subject to disciplinary action as a result.

3 3. During the month of February, Respondent spoke on the telephone with the
4 Board President, Jeffrey Andrews, D.C., about the suspension of his license and that it would
5 not be reinstated until he paid the renewal fees. During the conversation, Respondent told
6 Dr. Andrews that a check for his renewal fees had already been sent to the Board.
7

8 4. Respondent was served with a Complaint and Notice of Hearing by certified
9 mail on March 2, 1995, charging him with four counts of violating the Chiropractic Act and
10 accompanying regulations.

11 5. Respondent understood from the Complaint and Notice of Hearing that he was
12 charged with unprofessional conduct for practicing on a suspended license, not paying his
13 renewal fees, not turning in his self-inspection form and for making a factual
14 misrepresentation to Board staff.
15

16 6. Respondent was served again with a copy of the above-mentioned Complaint
17 and Notice of Hearing by hand delivery on May 11, 1995.

18 7. Respondent admitted that he had personally received, read and understood the
19 two letters from the Board and the two copies of the Complaint and Notice of Hearing.
20

21 8. Respondent continually practiced chiropractic and treated patients for almost
22 five months with full knowledge that his license was suspended. He continued to practice for
23 over three months after he knew the Board had initiated disciplinary proceedings and had
24 charged him with unprofessional conduct for practicing chiropractic on a suspended license,
25 among other charges.
26

27 9. Respondent admitted that he was guilty of the four charges against him in the
28 Complaint and Notice of Hearing. Nevertheless, with respect to the second charge,

1 Respondent stated that when he spoke to Dr. Andrews on the telephone in February, he
2 believed a check for his renewal fees was in the mail, although he knew later that no payment
3 had been sent.

4 10. Respondent paid his license renewal fees to the Board on May 23, 1995.
5 Respondent did not mail or otherwise submit payment to the Board for his license renewal
6 fees prior to May 23, 1995.

7
8 11. With the exception of speaking to Dr. Andrews, who telephoned Respondent
9 in February, Respondent did not attempt to communicate with the Board, its staff or its
10 counsel regarding this matter prior to May 23, 1995.

11 12. As of June 3, 1995, Respondent had not yet submitted his self-inspection form
12 to the Board.

13
14 13. In 1993, Respondent was late in the payment of his license renewal fees.

15 CONCLUSIONS OF LAW

16 1. The Board had jurisdiction over this matter because Respondent is a
17 chiropractor licensed by the Board.

18 2. NRS 634.140(1) provides that the Board may initiate disciplinary action for
19 unprofessional conduct by a chiropractor. If the Board finds that a chiropractor is guilty as
20 charged, it may impose discipline as authorized in NRS 634.190(2).

21 3. By not timely submitting his self-inspection form to the Board, Respondent has
22 engaged in unprofessional conduct as defined in NAC 634.430(2)(c), for failing to make a
23 report or record available to the Board upon lawful request.

24 4. By falsely representing to the Board that a check for renewal fees was in the
25 mail, or in the alternative, by failing to contact the Board to correct the inaccurate statement
26 when he discovered that no check had been sent, Respondent engaged in unprofessional
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1 conduct as defined in NAC 634.430(6), for knowingly giving false information to the Board.

2 5. By failing to pay timely his license renewal fees as required by NRS
3 634.130(2), Respondent engaged in unprofessional conduct as defined in NRS 634.015(5),
4 for willful disobedience of the law.

5 6. By continuing to practice chiropractic on a suspended license in violation of
6 NRS 634.227(2) and after being informed by the Board that he must cease and desist such
7 practice until reinstatement, Respondent engaged in unprofessional conduct as defined by NRS
8 634.015(5), for willful disobedience of the law.

9 7. Viewing the circumstances in the best light in favor of Respondent, the Board
10 concludes that Respondent may have honestly misunderstood the gravity of the matter until
11 he received the Complaint and Notice of Hearing on March 3, 1995. Although he actually
12 practiced on a suspended license for almost five months, the Board concludes that for only
13 three of those months did Respondent practice in open defiance of the laws of the state and
14 those of the Board. The Board finds that Respondent wrongfully practiced for a period of
15 90 days without adequate excuse or justification.

16 8. The Board finds Respondent's explanations regarding his conduct to be mere
17 excuses and unworthy of being given credence by the Board. Respondent stated that he was
18 not suffering a financial hardship that prevented him from renewing his license. He explained
19 that he had a bookkeeper whose practice was to specifically inform him of all bills as they
20 came in for payment. When asked why he did not renew when he received notices in January
21 and February that his license was suspended but would be promptly reinstated upon payment
22 of the fees, he responded that he did not want anyone to know he did not pay his bills on
23 time. When asked why he did not try to make arrangements with the Board to resolve the
24 problem, or even telephone the Board or its counsel, once he received notice that the Board
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1 had initiated formal disciplinary action, Respondent answered that he did not know. The first
2 time he contacted the Board regarding this matter, almost three months after being served
3 with the Complaint and Notice of Hearing and approximately ten days before the hearing,
4 Respondent asked that the Board call off the hearing because his wife had a doctor's
5 appointment that day.

6
7 9. Respondent claimed that he did not intend to defy the Board or the laws of the
8 state that require actively practicing chiropractors to be properly licensed, yet he offered no
9 rational explanation for continuing to see patients after so many communications from the
10 Board and even after disciplinary charges had been brought against him. The Board is left
11 with no alternative than to conclude that Respondent simply did not consider it sufficiently
12 important to keep his chiropractic license current and in good standing. Similarly, the Board
13 can only conclude that Respondent was not concerned that his professional reputation or that
14 the status of his license might be damaged if he were found guilty of four counts of
15 unprofessional conduct.

16
17 10. The Board finds it very disturbing that a licensee would ignore or be unaware
18 of the serious issues of practice without the benefit of a current license in good standing. Not
19 only is unlicensed practice a clear violation of the Chiropractic Act, it is a felony offense
20 punishable by imprisonment. There are also significant issues of liability and malpractice
21 insurance coverage that attach to practice on a suspended license. Among the least of the
22 serious consequences is that patients will be harmed when third party payors rightfully refuse
23 to pay claims for treatment by a chiropractor with a suspended license. A chiropractor who
24 seemingly views his obligation to keep his license current and in good standing as a mere
25 technicality, and who seemingly views the Board's formal enforcement and disciplinary
26 actions as comparable to the actions of a pesky creditor, raises concerns that reach far beyond
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Law and accompanying regulations during the probationary period, his license shall be automatically suspended.

Dated this 1th day of August, 1995.

STATE BOARD OF CHIROPRACTIC EXAMINERS

By: Jeffrey D. Andrews DC
President of the Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 9 Discussion/possible action regarding the Matter of Obteen Nassiri, DC – 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. Nassiri)

RECOMMENDED MOTION: The Board may elect to enforce the Finding of Fact, Conclusions of Law and Order - Effective December 8, 2012 since this order was upheld by the Nevada Supreme Court.

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: Please see the attached documentation.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 9

Obteen Nememiah Nassiri., DC

Doctor of Chiropractic Degree

December 1999

Los Angeles College of Chiropractic

History and Timeline:

September 24, 2000 Dr. Nassiri was licensed as a Doctor of Chiropractic in Nevada.

February 16, 2011 Dr. Nassiri's license was revoked.

Effective December 8, 2012 Finding of Fact, Conclusions of Law and Order

See the Conclusions of Law section.

Order

1. Dr. Nassiri's chiropractic physician's license (B847) is revoked. The revocation shall be effective immediately upon action and approval of the bankruptcy court. Dr. Nassiri may not own directly or indirectly through any person related to him within two degrees of consanguinity or affinity, any interest in a chiropractic practice, nor may Dr. Nassiri be employed or participate in activity related to a chiropractic practice.
2. Dr. Nassiri shall pay 80% of the Board's fees and costs. The total fees and costs were \$143,267.80. Dr. Nassiri's share is \$114,614.24. Dr. Nassiri may not apply for restoration of his license pursuant to NRS 634.204 until he has paid the fees and costs ordered in this paragraph in full.
3. Dr. Nassiri shall pay a fine of \$5,000.00 for each of the six causes of action violated, for a total of \$30,000.00.

On April 3, 2018 the Supreme Court filed an opinion that upheld the CPBN's Finding of Fact, Conclusions of Law and Order

Effective October 20, 2011 Health and Human Services (HHS) Office of Inspector General – Dr. Nassiri excluded from Medicare, Medicaid and all other Federal Health Care Programs.

State Licensure:

Dr. Nassiri does not hold DC licenses in any other state.

Reasons for Board Appearance:

1. Please refer to NRS 622A.410:
Requirements in cases involving revocation of license; procedure for reinstatement of license.
2. Please refer to NRS 634.204
Application for removal of limitation or restoration of license; action by Board.

The Federation of Chiropractic Licensing Boards Databank reflects one (1) State Licensure action and one (1) Medicare Sanction (US Medicare Exclusion), Violation of Social Security Act section: 1128b4 – License revocation or suspension.

The National Practitioner Data Bank reflects two (2) State Licensure actions and one (1) HHS Office of Inspector General action. Effective May 7, 2015 Dr. Nassiri was denied chiropractic licensure in Hawaii for failure to meet licensing board reporting requirements based on Nevada's revocation.

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E-mail: louisling@me.com
Attorney For:
Respondent Chiropractic Physicians' Board of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

OBTEEN NASSIRI, D.C., and)	
EDWARD JOHNSON, D.C.,	)	Case No. A632608
)	
Petitioner,	)	Dep't No. 4
)	
vs.)	
)	
CHIROPRACTIC PHYSICIANS')	
BOARD OF NEVADA,)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter having come before this Court pursuant to a Petition for Judicial Review filed by Petitioners Obteen Nassiri, D.C. and Edward Johnson, D.C., and this Court having heard oral argument regarding this matter on September 28, 2011, and this Court being fully advised and having reviewed all pertinent documents and materials submitted in this matter, this Court now issues the following Findings of Fact, Conclusions of Law, and Order in this matter.

FINDINGS OF FACT

1. On September 9, 10, and 11 and October 23, 2010, the Chiropractic Physicians Board of Nevada (the Board) held a joined hearing regarding administrative cases brought against Obteen Nassiri, D.C. (CPBN Case Nos. 07-10S & 08-19S) and against Edward Johnson, D.C. (CPBN Case No. 09-068). At the hearing, the Board took testimony from four witnesses and admitted 37 documents into evidence. At the close of the evidentiary portion of the hearing, the Board deliberated the matter for over four

1 and was supported by the reliable, probative, and substantial evidence on the Board's record taken as a
2 whole and is, thus, affirmed by this Court.

3 4. Because the Board Order was supported by the reliable, probative, and substantial evidence on
4 the Board's record taken as a whole and a correct reading and application of NRS and NAC chapters
5 634, the Board Order's Conclusions of Law (ROP 9-14) are affirmed as Petitioners have not shown that
6 their substantial rights were prejudiced by any violation of those causes listed in NRS 233B.135(3)

7 5. The method and manner by which the Board opened, investigated, and ultimately prosecuted
8 the matters against Dr. Nassiri and Dr. Johnson were lawful, fair, and did not violate either Petitioner's
9 due process rights.

10 6. The Order portion of the Board Order was within the Board's authority to impose pursuant to
11 NRS 634.190(2) except that the Court concludes that when the Board revoked Dr. Nassiri's license
12 pursuant to the first sentence of paragraph #1 of the Order portion of the Board Order, the Board
13 thereafter lacked the jurisdiction to impose the prohibitions contained in the third sentence of paragraph
14 #1. Therefore, this Court affirms all of the Order portion of the Board Order except that the third
15 sentence of paragraph #1 of the Order portion of the Board Order is reversed.

16
17 **ORDER**

18 Based upon the foregoing findings of fact and conclusions of law, this Court hereby orders as
19 follows:

20 1. The Board Order is affirmed except for the third sentence of paragraph #1 of the Order
21 portion of the Board Order, which is hereby reversed.

22 2. Because this Court earlier denied Petitioners' motion to stay these proceedings, the Board
23 Order was in effect throughout the pendency of this matter. Therefore, the sums due as ordered in the
24 Board Order are hereby reduced to judgment as follows:

25 (a) Judgment is entered against Obteen Nassiri, D.C. and in favor of the Board for a total of
26 \$144,614.24 (\$114,614.24 in fees and costs and \$30,000.00 in fines); and

27 (b) Judgment is entered against Edward Johnson, D.C. and in favor of the Board for a total of
28 \$33,653.56 (\$28,653.56 in fees and costs and \$5,000.00 in fines).

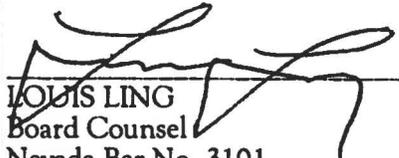
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3. The sums reduced to judgment pursuant to paragraph #2 preceding shall accrue interest at the statutory rate from the date of entry of this order until paid in full.

Signed this 29 day of February, 2012.


MS DISTRICT COURT JUDGE
for Kathy A. HaruCastle

Submitted by:


LOUIS LING
Board Counsel
Nevada Bar No. 3101
Attorney for Respondent Chiropractic Physicians'
Board of Nevada



Positive

As of: July 13, 2018 6:44 PM Z

[Nassiri v. Chiropractic Physicians' Bd. of Nev.](#)

Supreme Court of Nevada

April 3, 2014, Filed

No. 60490

Reporter

327 P.3d 487 *; 2014 Nev. LEXIS 29 **; 130 Nev. Adv. Rep. 27; 2014 WL 1325754

OBTEEN **NASSIRI**, D.C.; AND EDWARD JOHNSON, D.C., Appellants, vs. CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA, Respondent.

the qualification of the evidence, rather than to whether the evidence satisfied the standard of proof used to evaluate whether a violation occurred.

Subsequent History: As Corrected August 29, 2014.

Outcome

District court's order affirmed.

Prior History: **[**1]** Appeal from a district court order granting in part and denying in part a petition for judicial review in a professional licensing matter. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

LexisNexis® Headnotes

Disposition: Affirmed.

Core Terms

standard of proof, proceedings, chiropractic, license, substantial evidence, district court, preponderance of the evidence, standard of review, judicial review, disciplinary, agency's, preponderance-of-the-evidence, factfinder, reliable, administrative agency, factual determination, appellants', conclusions, violations

Administrative Law > Agency

Adjudication > Hearings > General Overview

Evidence > Burdens of Proof > Preponderance of Evidence

HN1 **Agency Adjudication, Hearings**

In the absence of a specific statutory mandate, agencies generally must utilize, at a minimum, the preponderance-of-the-evidence standard in their adjudicative hearings as it is the general civil standard of proof.

Case Summary

Overview

HOLDINGS: [1]-[Nev. Rev. Stat. § 233B.135](#) set out a standard of judicial review, not a standard of proof, and in the absence of a specific statutory mandate, agencies generally had to utilize, at a minimum, the preponderance-of-the-evidence standard in their adjudicative hearings, as it was the general civil standard of proof; [2]-The Chiropractic Physicians' Board of Nevada applied at least the preponderance-of-the-evidence standard in disciplinary proceedings against two licensed chiropractic physicians because although the Board referred to the evidence being "substantial, credible, reliable, and probative," those factors spoke to

Administrative Law > Judicial Review > Standards of Review > Clearly Erroneous Standard of Review

Administrative Law > Judicial Review > Standards of Review > Substantial Evidence

Administrative Law > Judicial Review > Reviewability > Questions of Law

Administrative Law > Judicial Review > Reviewability > Factual Determinations

Nassiri v. Chiropractic Physicians' Bd. of Nev.

Administrative Law > Judicial Review > Standards of Review > De Novo Standard of Review

[HN2](#) Standards of Review, Clearly Erroneous Standard of Review

On appeal from orders deciding petitions for judicial review, the state supreme court reviews the administrative decision in the same manner as the district court. The state supreme court reviews the factual determinations of administrative agencies for clear error in view of the reliable, probative, and substantial evidence on the whole record or for an abuse of discretion. [Nev. Rev. Stat. § 233B.135\(3\)\(e\), \(f\)](#). Thus, factual findings will only be overturned if they are not supported by substantial evidence, which is evidence that a reasonable mind could accept as adequately supporting the agency's conclusions. A de novo standard of review is applied when the court addresses a question of law, including the administrative construction of statutes. The court will decide purely legal issues without deference to the agency's conclusions of law.

Evidence > Burdens of Proof > General Overview

[HN3](#) Evidence, Burdens of Proof

The concepts of "burden of proof" and "standard of proof" are distinct. "Burden of proof" refers broadly to a party's duty to present evidence and argument to prove his or her allegations, whereas "standard of proof" refers to the degree or level of proof demanded to prove a specific allegation. A standard of proof's function is to instruct the factfinder concerning the degree of confidence society thinks he should have in the correctness of factual conclusions for a particular type of adjudication.

Administrative Law > Judicial Review > Reviewability > Factual Determinations

Administrative Law > Judicial Review > Standards of Review > Substantial Evidence

Administrative Law > ... > Hearings > Evidence > General Overview

[HN4](#) Reviewability, Factual Determinations

The substantial evidence standard set forth in [Nev. Rev.](#)

[Stat. § 233B.135](#) is a standard of review: the court may remand or affirm the final decision or set it aside in whole or in part, because the final decision of the agency is clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record. [§ 233B.135\(3\)\(e\)](#). Under that statute, a reviewing court, whether the district court or the state supreme court, must inquire whether the agency's factual determinations are reasonably supported by evidence of sufficient quality and quantity. Although administrative proceedings typically need not strictly follow the rules of evidence, [Nev. Rev. Stat. § 233B.123\(1\)](#), the fact-finder is charged with making a decision based only on evidence of a type and amount that will ensure a fair and impartial hearing. [Nev. Rev. Stat. § 233B.125](#). The substantial evidence standard of review thus refers to the quality and quantity of the evidence necessary to support factual determinations. It contemplates deference to those determinations on review, asking only whether the facts found by the administrative factfinder are reasonably supported by sufficient, worthy evidence in the record.

Administrative Law > Agency Adjudication > Hearings > General Overview

Healthcare Law > Business Administration & Organization > Facility & Personnel Licensing > Revocation & Suspension

Evidence > Burdens of Proof > General Overview

Administrative Law > Judicial Review > Standards of Review > General Overview

[HN5](#) Agency Adjudication, Hearings

Not only does the language of [Nev. Rev. Stat. § 233B.135](#) indicate its application to courts' secondary review and not to the determinations of administrative agencies, but in chiropractic disciplinary proceedings, there is also no lower tribunal to which the Chiropractic Physicians' Board of Nevada would give deference. Thus, [§ 233B.135](#)'s standard of review does not set forth a standard of proof that administrative agencies apply in their adjudicative hearings.

Administrative Law > Judicial Review > Reviewability > Factual Determinations

Evidence > Burdens of Proof > General Overview

Nassiri v. Chiropractic Physicians' Bd. of Nev.

Administrative Law > Judicial Review > Standards of Review > Substantial Evidence

Administrative Law > Agency Adjudication > Hearings > General Overview

[HN6](#) **Reviewability, Factual Determinations**

[Nev. Rev. Stat. § 233B.135](#) sets out a standard of judicial review, not a standard of proof. Agency adjudication should use the standard of proof set out in the agency's governing statutes. On appeal, the reviewing court should then determine whether substantial evidence supports the agency's factual determinations. To the extent that the language in Minton and Gilman could be read to conflict with the Nevada Supreme Court's clarification of this issue, the court disapproves of the language used in the reasoning in those cases.

Administrative Law > Agency Adjudication > Hearings > General Overview

Evidence > Burdens of Proof > Preponderance of Evidence

[HN7](#) **Agency Adjudication, Hearings**

To prove by a preponderance of the evidence each element of a claim before an administrative agency, the claimant must present reliable, probative, and substantial evidence of such sufficient quality and quantity that a reasonable administrative factfinder could conclude that the existence of the facts supporting the claim are more probable than their nonexistence.

Counsel: Agwara & Associates and Liborius I. Agwara and George A. Maglares, Las Vegas, for Appellants.

Louis A. Ling, Reno, for Respondent.

Judges: BEFORE HARDESTY, PARRAGUIRRE and CHERRY, JJ. Cherry, J. We concur: Hardesty, J. Parraguirre, J.

Opinion by: Cherry

Opinion

[*488] By the Court, CHERRY, J.:

Appellants assert that the Chiropractic Physicians' Board of Nevada violated their statutory and constitutional rights by applying a lower standard of proof in disciplinary proceedings than due process allows. They further argue that applying a different standard of proof in chiropractic physician disciplinary proceedings than is applied in medical physician disciplinary proceedings violates the *Equal Protection Clause of the United States Constitution*. We hold that, [HN1](#)  in the absence of a specific statutory mandate, agencies generally must utilize, at a minimum, the preponderance-of-the-evidence standard in their adjudicative hearings as it is the general civil standard of proof. Because the preponderance-of-the-evidence **[**2]** standard of proof was ostensibly applied and met here, we affirm.

FACTS AND PROCEDURAL HISTORY

Appellant Dr. Obteen **Nassiri** owned and operated a Las Vegas-based chiropractic practice that specialized in treating patients who had been injured in motor vehicle accidents. The practice employed appellant Dr. Edward Johnson as a chiropractic physician, who later purchased the practice from Dr. **Nassiri**. At the time, both appellants were licensed chiropractic physicians in Nevada.

After an insurance company reported that appellants may have engaged in unprofessional conduct, respondent Chiropractic Physicians' Board of Nevada ¹ filed complaints for disciplinary action against appellants, charging them with, among other things, unlawfully referring patients to other physicians, unlawful fee splitting, inaccurate record-keeping, fraud, and employing unregistered assistants. The Board heard testimony from four witnesses and considered numerous exhibits. It subsequently found, based on the "substantial, credible, reliable, and probative evidence," that appellants had violated multiple provisions of NRS Chapter 634 and NAC Chapter 634. As a result, the Board revoked Dr. **Nassiri's** license, ordered **[**3]** him to pay 80 percent of **[*489]** the Board's fees and costs and a fine of \$5,000 for each of the six violations that he was found to have made, and further mandated that Dr. **Nassiri** could not own, directly or indirectly, any interest in a chiropractic practice through any person related to him within two degrees of consanguinity or affinity until his license was restored. As for Dr. Johnson, the Board

¹The Board consists of seven members appointed by the

Governor who are authorized to take disciplinary action against chiropractic licensees. [NRS 634.020](#); [NRS 634.190](#).

Nassiri v. Chiropractic Physicians' Bd. of Nev.

suspended his license for one year with conditions, ordered him to pay 20 percent of the Board's fees and costs and a fine of \$1,000 for each of the five provisions that he was found to have violated, and imposed probation with conditions for three years to commence once the suspension was lifted.

Appellants petitioned for judicial review in the district court. They asserted, in part, that the Board's order must be set aside because the Board (1) used the wrong standard of proof—substantial evidence—and in so doing violated their constitutional equal protection and due process rights and (2) did not have the authority to prohibit **[**4]** Dr. Nassiri from owning a chiropractic practice. The district court granted in part and denied in part appellants' petition for judicial review. The court's order granted the petition for judicial review on the portion of the Board's order that prohibited Dr. Nassiri from owning any interest in a chiropractic practice through any person related to him within two degrees of consanguinity or affinity until his license is restored.² With respect to the remainder of the Board's order, the district court adopted the Board's findings of fact and affirmed all of the substantive issues now on appeal, thus denying judicial review. Citing NRS 233B.135(3)(e) and Minton v. Board of Medical Examiners, 110 Nev. 1060, 1078, 881 P.2d 1339, 1352 (1994), the district court concluded that the Board's determinations must be supported by substantial evidence because NRS Chapter 634 does not set forth a specific standard of proof. The district court entered judgment against appellants, who thereafter filed a timely notice of appeal.

DISCUSSION

Standard of review

HN2  On appeal from orders deciding petitions for judicial review, this court **[**5]** reviews the administrative decision in the same manner as the district court. Elizondo v. Hood Mach., Inc., 129 Nev. , , 312 P.3d 479, 482 (2013) (citing City of N. Las Vegas v. Warburton, 127 Nev. , , 262 P.3d 715, 718 (2011)). We review the factual determinations of administrative agencies for clear error "in view of the reliable, probative and substantial evidence on the whole record" or for an "abuse of discretion." NRS 233B.135(3)(e), (f). Thus, factual findings will only be overturned if they are not supported by substantial evidence, which, we have

explained, is evidence that a reasonable mind could accept as adequately supporting the agency's conclusions. Elizondo, 129 Nev. at , 312 P.3d at 482. "A de novo standard of review is applied when this court addresses a question of law, 'including the administrative construction of statutes.'" *Id.* (quoting Holiday Ret. Corp. v. State, Div. of Indus. Relations, 128 Nev. , , 274 P.3d 759, 761 (2012)). We will decide purely legal issues without deference to the agency's conclusions of law. *Id.*

Standard of proof at administrative agency proceedings

Appellants argue that the Board improperly used the "substantial evidence" **[**6]** standard set forth in NRS 233B.135 to determine that appellants committed professional misconduct. They assert that this standard is lower than that utilized to discipline medical doctors and that this incongruity is unconstitutional.

Appellants' argument displays a simple misunderstanding regarding the concept of standard of proof. Foremost, appellants mistakenly use 'burden of proof' synonymously with "standard of proof." **HN3**  The two concepts are actually distinct. "Burden of proof" refers broadly to a party's duty to present evidence and argument to prove his or her allegations, whereas "standard of proof" refers to the "degree or level of proof demanded" to prove a specific allegation. *Black's Law Dictionary* 223, 1535 (9th **[*490]** ed. 2009). A standard of proofs function, as the United States Supreme Court has expressed, "is to 'instruct the factfinder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication.'" Addington v. Texas, 441 U.S. 418, 423, 99 S. Ct. 1804, 60 L. Ed. 2d 323 (1979) (quoting In re Winship, 397 U.S. 358, 370, 90 S. Ct. 1068, 25 L. Ed. 2d 368 (1970) (Harlan, J., concurring)). In this case, the issue is what *standard* of proof applies in chiropractor **[**7]** disciplinary adjudications, as all parties agree that the Board carried the initial *burden* to prove that appellants committed misconduct.

Next, appellants appear to confuse "standard of proof" with "standard of review." As noted above, **HN4**  the "substantial evidence" standard set forth in NRS 233B.135 is a standard of review: "[t]he court may remand or affirm the final decision or set it aside in whole or in part., because the final decision of the agency is:... [c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record." NRS on appeal.

² This portion of the district court's order is not before this court

Nassiri v. Chiropractic Physicians' Bd. of Nev.

[233B.135\(3\)\(e\)](#). Under that statute, a reviewing court, whether the district court or this court, must inquire whether the agency's factual determinations are reasonably supported by evidence of sufficient quality and quantity. *Id.*; see [Elizondo, 129 Nev. at 312 P.3d at 482](#). Although administrative proceedings typically need not strictly follow the rules of evidence, see [NRS 233B.123\(1\)](#) (allowing the admittance of evidence during administrative proceedings "except where precluded by statute, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs"), the fact-finder is charged with making **[**8]** a decision based only on evidence of a type and amount that will ensure a fair and impartial hearing. See [NRS 233B.125](#); [State, Dep't of Motor Vehicles & Pub. Safety v. Evans, 114 Nev. 41, 44-45, 952 P.2d 958, 961 \(1998\)](#); [Garson v. Steamboat Canal Co., 43 Nev. 298, 308-09, 185 P. 801, 804 \(1919\)](#). The substantial evidence standard of review thus refers to the quality and quantity of the evidence necessary to support factual determinations. It contemplates deference to those determinations on review, asking only whether the facts found by the administrative factfinder are reasonably supported by sufficient, worthy evidence in the record. See [U.S. Steel Mining Co. v. Dir., Office of Workers' Comp. Programs, 187 F.3d 384, 389 \(4th Cir. 1999\)](#) (explaining that, under analogous federal Administrative Procedure Act provisions, an agency fact-finder has a "duty to qualify evidence as reliable, probative, and substantial before relying upon it to grant or deny a claim," so to avoid a decision based on speculation and conjecture (internal quotations omitted)); 3 Charles H. Koch, Jr., *Administrative Law and Practice* § 9:2411] (3d ed. 2010) (explaining that "substantial evidence" language most often **[**9]** conveys a reasonableness standard of review, leaving the decision-making power with the agency). We do not reweigh the factfinder's conclusions as to the persuasiveness of its factual determinations. [NRS 233B.135\(3\)](#) ("The [reviewing] court shall not substitute its judgment for that of the agency as to the weight of evidence on a question of fact."). [HN5](#) ] Not only does the language of [NRS 233B.135](#) indicate its application to courts' secondary review and not to the determinations of administrative agencies, but here there is also no lower tribunal to which the Board would give deference.: Thus, [NRS 233B.135](#)'s standard of review does not set forth a standard of proof that administrative agencies apply in their adjudicative hearings.

Appellants' confusion is understandable given that both standards refer to conclusions concerning the evidence and the district court also confused [NRS 233B.135](#)'s standard of review with a standard of proof. The district

court's order states that [NRS 233B.135](#) governs the Board's proceedings in the absence of a statutorily mandated standard of proof in the Board's governing statutes. This court has also contributed to the confusion. See [Gilman v. State Bd. of Veterinary Med. Exam'rs, 120 Nev. 263, 274, 89 P.3d 1000, 1008 \(2004\)](#) **[**10]** ("When a higher standard of proof is set forth in a statute involving license revocation proceedings, that statute supersedes the substantial evidence standard of review set forth at [NRS 233B.135\(3\)\(e\)](#)."); [Minton v. Bd. of Med. Exam'rs, 110 Nev. 1060, 1078, 881 P.2d 1339, 1352 \(1994\)](#) (construing the statute **[*491]** providing the standard of proof in medical license revocation proceedings "to supersede" the standard in [NRS 233B.135\(3\)\(e\)](#)).

We take this opportunity to clarify that [HN6](#) ] [NRS 233B.135](#) sets out a standard of judicial review, not a standard of proof. Agency adjudication should use the standard of proof set out in the agency's governing statutes. See [Gilman, 120 Nev. at 274, 89 P.3d at 1008](#); cf. [J.D. Constr. v. IBEX Int'l Grp., 126 Nev. , , 240 P.3d 1033, 1042-43 \(2010\)](#) (reasoning that "this court must look to reason and public policy" to determine the applicable standard of proof only after analyzing whether "[t]he statute..., clearly state[s] what standard of proof the district court should use"). On appeal, the reviewing court should then determine whether substantial evidence supports the agency's factual determinations. See [Gilman, 120 Nev. at 275, 89 P.3d at 1008](#) **[**11]** (holding that this court should review the agency decision to determine whether substantial evidence exists to have convinced the agency that violations had been shown in accord with the standard of proof set out in the statute(s) being enforced). To the extent that the language in *Minton* and *Gilman* could be read to conflict with our clarification here, we disapprove of the language used in the reasoning in those cases.

This raises the question of what standard of proof applies in an agency's occupational license revocation proceedings in the absence of a specific governing statute. This court has held that "the preponderance-of-the-evidence standard is the general civil standard." [J.D. Constr., 126 Nev. at 240 P.3d at 1043](#). The preponderance-of-the-evidence standard is the minimum civil standard of proof. See [Betsinger v. D.R. Horton, Inc., 126 Nev. , , 232 P.3d 433, 435 \(2010\)](#) ("Generally, a preponderance of the evidence is all that is needed to resolve a civil matter "). We have held that the preponderance-of-the-evidence standard is appropriate to protect the procedural due process rights of those confronted with possible revocation **[**12]** of emission-station and inspector licenses. [Nellis Motors v. State,](#)

Nassiri v. Chiropractic Physicians' Bd. of Nev.

[Dep't of Motor Vehicles, 124 Nev. 1263, 1268, 197 P.3d 1061, 1065 \(2008\)](#). Here, the license at issue can be no less deserving of due process than the one at issue in *Nellis Motors* because, in that case, we approved of the use of the *minimum* civil standard of proof. See *id.* There is no lower standard.³ Thus, we hold that the Board was required to find that the allegations were proven by at least a preponderance of the evidence.⁴

The Board found, by at least a preponderance of the evidence, that appellants committed professional misconduct based on the evidence presented. See [Brown v. State, 107 Nev. 164, 166, 807 P.2d 1379, 1381 \(1991\)](#) (stating that a preponderance of the evidence amounts to whether the existence of the contested fact is found to be more probable than not). There is no evidence in the **[**13]** record showing that the Board used any sort of standard lower than a preponderance of the evidence, such as that the violations, however unlikely, might have occurred. Although the Board refers to the evidence being "substantial, credible, reliable, and probative," these factors speak to the qualification of the evidence, rather than to whether the evidence satisfies the standard of proof used to evaluate whether a violation occurred. See [U. S. Steel Mining Co., 187 F.3d at 389](#) (clarifying that, [HN7](#) 

Regarding appellants' argument that due process requires a higher level of review, **[*492]** their argument supposes that the Board used a substantial evidence standard, which we repudiate. We also note that, **[**14]** in light of our conclusion that the Board was convinced by at least a preponderance of the evidence, appellants' equal protection argument is rendered moot because the disciplinary proceedings for medical physicians also use a preponderance-of-the-evidence standard of proof, See [NRS 630.346\(2\)](#).

Accordingly, because the Board applied at least the

preponderance-of-the-evidence standard and there was no equal protection violation here, we affirm the district court's order denying, in part, judicial review of the Board's order.

/s/ Cherry, J.

Cherry

We concur:

/s/ Hardesty, J.

Hardesty

/s/ Parraguirre, J.

Parraguirre

End of Document

³ If there were a lower standard, it would be nonsensical; it would allow a tribunal to reach a conclusion even after reasoning that the conclusion is more likely to be *incorrect* than it is to be correct.

⁴ Appellants do not argue, and thus we do not address, that a higher standard than preponderance of the evidence might apply.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 10 Legislative Matters – For possible action**
A. Dan Musgrove Advocacy report

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Dan Musgrove**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

SEAT	DEMOCRATS	REPUBLICANS	Other Political Parties and Info relative	REGISTRATION
State Senate 1 Clark	Patricia Spearman (next election 2020)			Democrat - 34,026 Republican - 18,494 Non-partisan - 15,359
State Senate 2 Clark	Mo Denis	Calvin Border		Democrat - 21,790 Republican - 5,032 Non-partisan - 9,316
State Senate 3 Clark	Tick Segerblom (next election 2020)		Senator Segerblom running for County Commission	Democrat - 24,564 Republican - 12,007 Non-partisan - 11,281
State Senate 4 Clark	Kelvin Atkinson (next election 2020)			Democrat - 33,165 Republican - 8,162 Non-partisan - 11,892
State Senate 5 Clark	Joyce Woodhouse (next election 2020)			Democrat - 27,117 Republican - 23,713 Non-partisan - 15,523
State Senate 6 Clark	Nicole Cannizzaro (next election 2020)			Democrat - 28,423 Republican - 23,980 Non-partisan - 14,629
State Senate 7 Clark	David Parks (next election 2020)			Democrat - 27,668 Republican - 15,343 Non-partisan - 13,999
State Senate 8 Clark	Marilyn Dondero Loop	Valerie Weber	Garrett LeDuff (no party)	Democrat - 25,942 Republican - 25,427 Non-partisan - 15,036
State Senate 9 Clark	Melanie Scheible	Tiffany Jones		Democrat - 31,659 Republican - 25,473 Non-partisan - 20,312
State Senate 10 Clark	Yvanna Cancela			Democrat - 25,646 Republican - 10,418 Non-partisan - 12,733
State Senate 11 Clark	Aaron Ford (next election 2020)		Senator Ford running for Attorney General	Democrat - 25,001 Republican - 14,392 Non-partisan - 13,457
State Senate 12 Clark	Craig Jordahl	Joe Hardy		Democrat - 25,704 Republican - 34,727 Non-partisan - 16,822
State Senate 13 Washoe	Julia Ratti	Charlene Young (IAP)		Democrat - 27,666 Republican - 17,401 Non-partisan - 14,584

State Senate 14 North Counties	Wendy Boszak (D)	Ira Hansen	Thomas Kennedy (NP)	Democrat - 21,692 Republican - 33,456 Non-partisan - 13,990
State Senate 15 Washoe		Heidi Gansert (next election 2020)		Democrat - 28,603 Republican - 30,282 Non-partisan - 16,224
State Senate 16 Washoe, Carson	Tina Davis-Hersey	Ben Kieckhefer	John Wagner (IA)	Democrat - 25,237 Republican - 37,887 Non-partisan - 15,715
State Senate 17 Central Counties	Curtis Cannon	James Settlemeier		Democrat - 18,680 Republican - 44,753 Non-partisan - 14,486
State Senate 18 Clark		Scott Hammond (next election 2020)		Democrat - 27,839 Republican - 30,951 Non-partisan - 16,602
State Senate 19 Northern Counties		Pete Goicoechea (next election 2020)		Democrat - 17,010 Republican - 36,271 Non-partisan -13,829
State Senate 20 Clark	Julie Pazina	Keith Pickard	Rich Bronstein (Lib)	Democrat - 28,256 Republican - 27,822 Non-partisan - 17,189
State Senate 21 Clark	James Ohrenschall	Ron McGinnis		Democrat - 28,672 Republican - 15,013 Non-partisan - 13,495
AD 1 Clark	Daniele Monroe-Moreno			Democrat - 17,057 Republican - 10,685 Non-partisan - 7,910
AD 2 Clark	Jennie Sherwood	John Hambrick		Democrat - 12,927 Republican - 14,860 Non-partisan - 8,226
AD 3 Clark	Selena Torres	Stephen Sedlmeyer		Democrat - 12,928 Republican - 6,102 Non-partisan - 5,910

AD 4 Clark	Connie Munk	Richard McArthur	Bob Lydstrup (IA)	Democrat - 15,123 Republican - 15,217 Non-partisan - 8,665
AD 5 Clark	Brittney Miller	Jason Burke		Democrat - 13,015 Republican - 10,567 Non-partisan - 6,810
AD 6 Clark	William McCurdy			Democrat - 16,010 Republican - 2,403 Non-partisan - 5,376
AD 7 Clark	Dina Neal			Democrat - 17,155 Republican - 5,759 Non-partisan - 6,516
AD 8 Clark	Jason Frierson	Tina Peetris		Democrat - 13,411 Republican - 8,384 Non-partisan - 7,656
AD 9 Clark	Steve Yeager	Linda Cannon		Democrat - 15,265 Republican - 12,121 Non-partisan - 9,657
AD 10 Clark	Chris Brooks	Noel Searles	Jonathan Friedrich (IAP)	Democrat - 11,636 Republican - 5,905 Non-partisan - 5,371
AD 11 Clark	Olivia Diaz	Gianna Miceli		Democrat - 10,580 Republican - 2,354 Non-partisan - 4,674
AD 12 Clark	Susan Martinez	Richard Fletcher	Mary Martinez (IAP)	Democrat - 15,763 Republican - 10,582 Non-partisan - 7,801
AD 13 Clark		Tom Roberts	Leonard Foster (IA)	Democrat - 12,716 Republican - 15,734 Non-partisan - 7,937
AD 14 Clark	Maggie Carlton			Democrat - 12,909 Republican - 4,431 Non-partisan - 5,694
AD 15 Clark	Howard Watts	Stan Vaughn		Democrat - 13,739 Republican - 5,460 Non-partisan - 6,073
AD 16 Clark	Heidi Swank			Democrat - 11,907 Republican - 4,958 Non-partisan - 6,660

AD 17 Clark	Tyrone Thompson	Patricia Little	Ronald Newsome (Lib)	Democrat - 16,969 Republican - 7,809 Non-partisan - 7,449
AD 18 Clark	Richard Carrillo	Mathew Sadler		Democrat - 14,221 Republican - 7,092 Non-partisan - 7,178
AD 19 Clark		Chris Edwards		Democrat - 11,668 Republican - 13,760 Non-partisan - 7,463
AD 20 Clark	Ellen Spiegel	Michael L. McDonald	Alexander Bacon (no party)	Democrat - 13,447 Republican - 8,251 Non-partisan - 6,821
AD 21 Clark	Oswaldo "Ozzie" Fumo	Cherlyn Arrington		Democrat - 12,799 Republican - 10,626 Non-partisan - 7,174
AD 22 Clark	Kristee Watson	Melissa Hardy		Democrat - 14,079 Republican - 16,491 Non-partisan - 8,964
AD 23 Clark		Glen Leavitt	Ralph Preta (IA)	Democrat - 14,036 Republican - 20,967 Non-partisan - 9,359
AD 24 Washoe	Sarah Peters, Tom Stewart			Democrat - 14,719 Republican - 7,313 Non-partisan - 7,892
AD 25 Washoe	Gregory Shorts	Jill Tolles		Democrat - 14,771 Republican - 19,151 Non-partisan - 8,496
AD 26 Washoe	June Joseph	Lisa Krasner		Democrat - 14,238 Republican - 20,917 Non-partisan - 9,284
AD 27 Washoe	Teresa Benitez-Thompson			Democrat - 13,832 Republican - 11,131 Non-partisan - 8,496
AD 28 Clark	Edgar Flores			Democrat - 11,210 Republican - 2,678 Non-partisan - 4,642
AD 29 Clark	Lesley Cohen	Stephen Silberkraus,	Bruce James-Newman (L)	Democrat - 14,318 Republican - 13,087 Non-partisan - 8,349

AD 30 Washoe	Mike Sprinkle			Democrat - 12,947 Republican - 10,088 Non-partisan - 6,692
AD 31 Washoe	Skip Daley	Jill Dickman		Democrat - 13,364 Republican - 15,814 Non-partisan - 7,669
AD 32 North Central	Paula Povilaitis	Alexis Hansen		Democrat - 8,328 Republican - 17,642 Non-partisan - 6,321
AD 33 Elko		John Ellison		Democrat - 5,639 Republican - 17,052 Non-partisan - 5,806
AD 34 Clark	Shannon Bilbray-Axelrod	Janice Wesen		Democrat - 14,190 Republican - 9,768 Non-partisan - 7,137
AD 35 Clark	Michelle Gorelow	Davd Schoen	Daniel Hofstein (no party)	Democrat - 16,394 Republican - 13,352 Non-partisan - 10,655
AD 36 Pahrump	Lesia Romanov	Dennis Hof		Democrat - 11,371 Republican - 19,219 Non-partisan - 8,023
AD 37 Clark	Shea Backus	James Marchant		Democrat - 14,233 Republican - 14,212 Non-partisan - 7,492
AD 38 Churchill		Robin Titus		Democrat - 7,963 Republican - 20,148 Non-partisan - 6,811
AD 39 Lyon, Storey	Patricia Ackerman	Jim Wheeler	Paul Cwalina (Lib)	Democrat - 10,717 Republican - 24,605 Non-partisan - 7,675
AD 40 Carson	Autumn Zemke	Al Kramer		Democrat - 10,999 Republican - 16,970 Non-partisan - 6,431
AD 41 Clark	Sandra Jauregui	Paris Wade		Democrat - 14,177 Republican - 11,331 Non-partisan - 8,225
AD 42 Clark	Alexander Assefa			Democrat - 11,590 Republican - 6,008 Non-partisan - 5,801

Governor	Steve Sisolak	Adam Laxalt	Russell Best (IA), Ryan Bundy (No party), Jared Lord (Lib)	Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208
Lt. Governor	Kate Marshall	Michael Roberson	Ed Uehling (No Party) Janine Hansen (IA)	Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208
Attorney General	Aaron Ford	Wes Duncan	Joel Hansen (IA)	Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208
Secretary of State	Nelson Araujo	Barbra Cegavske		Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208
Treasurer	Zach Conine	Bob Beers	Bill Hoge (IA)	Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208
Clark County Commission - District E	Tick Segerblom	Patricia Marsh Randolph Rose		Democrat - 57,293 Republican - 26,960 Non-partisan - 26,979
Clark County Commission - District F	Justin Jones	Tisha Black		Democrat - 61,604 Republican - 48,890 Non-partisan - 36,334
Clark County Commission - District G	James Gibson	Cindy Lake	Doug Marsh (Lib)	Democrat - 60,466 Republican - 55,321 Non-partisan - 35,322
Congressional 1	Dina Titus	Joyce Bentley	Robert Strawder (Lib) Dan Garfield (IA)	Democrat - 133,163 Republican - 59,993 Non-partisan - 62,878
Congressional 2	Clint Koble	Mark Amodei		Democrat - 123,494 Republican - 171,929 Non-partisan - 78,094

Congressional 3	Susie Lee	Danny Tarkanian	Gil Eisner (no party) Harry Vickers (IA) Tony Gumina (no party)	Democrat - 148,397 Republican - 142,554 Non-partisan - 90,801
Congressional 4	Steven Horsford	Crescent Hardy	Greg Luckner (Lib) Dean McGonigle (NP) Rodney Smith (NP), Warren Markowitz (IA)	Democrat - 148,460 Republican - 116,103 Non-partisan - 74,410
US Senate	Jacky Rosen	Dean Heller	Barry Michaels (Non Partisan) Ricardo Charles (no party) Kamau Bakari (iA) Tim Hagen (Lib)	Democrat - 554,543 Republican - 490,642 Non-partisan - 306,208

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 11 NCA Report – No action**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **James Overland, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 12** NCC Report – No action

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Dr. Stephanie Youngblood & Dr. Nicole Harmel**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 12

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13 Board Counsel Report – For possible action.**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Louis Ling**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 14 Consideration of attendees at the September 27-29, 2018 Federation of Association of Regulatory Boards in Portland, OR – For possible action.

RECOMMENDED MOTION: Recommend approval for Louis Ling, Board Counsel and an interested Board Member to attend the FARB conference in Portland, OR.

PRESENTED BY: Dr. Jason O. Jaeger

MEETING DATE: July 19, 2018

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 15** FCLB/NBCE Matters – For possible action.

- A. Overview of FCLB's 92nd Annual Education Congress**
- B. District I & IV Meeting – Palm Springs, CA – September 20-23, 2018**
- C. Other FCLB/NBCE matters**

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Julie Strandberg

From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Thursday, April 19, 2018 9:31 AM
To: Julie Strandberg
Subject: Wisconsin Changes NBCE Score Requirements



The NBCE is pleased to share this important message from the Chiropractic Society of Wisconsin.

FOR IMMEDIATE RELEASE



APRIL 19, 2018

For more information, contact:
Steve Conway, DC, Esquire
Executive Director, Chiropractic Society of Wisconsin
Phone: (727) 421-0407
Email: chirolaw@aol.com

The Chiropractic Society of Wisconsin (CSW) applauds the changes of NBCE score requirements in Wisconsin

MADISON, WI – Monday, surrounded by CSW members, including many recent graduates who testified at the public legislative hearings, Governor Walker signed into law Act 288. Act 288 removes the arbitrary higher National Board of Chiropractic Examiners (NBCE) exam scores and in the process completes the final step of a six-year project by the members of the CSW to remove artificial barriers preventing young chiropractors from practicing in Wisconsin.

"I am very proud to welcome all of the young doctors to join us in Wisconsin. It was an honor for the CSW to champion the removal of both the "Wisconsin exam" and the subsequent higher NBCE scores that were unfairly keeping these very competent chiropractors from returning to their hometowns and families to practice," stated CSW president Dr. Lona Cook.

"Our appreciation goes out to Senator Petrowski and Representative Kooyenga, who have worked tirelessly with the CSW since 2012 to allow chiropractors who have successfully passed the NBCE examinations and could practice in virtually every state other than Wisconsin to return to our great state," added CSW Immediate Past President Dr. Dean Shepherd.

In addition to the members of the CSW who participated in the legislative process to obtain the necessary changes, we would like to acknowledge the efforts of Dr. Norman Ouzts, the Executive Vice President of the NBCE. Dr. Ouzts traveled from Colorado to attend the public hearings and provide expert testimony that demonstrates the undisputed validity of the NBCE national score and the rationale of why the higher Wisconsin scores were flawed and did not equate to greater public safety.

The true beneficiaries of this legislation will be the families of these young chiropractors and citizens of the Wisconsin cities where these young doctors will now be able open their offices and begin the process of providing natural, drug-free chiropractic healthcare services.

###

About the Chiropractic Society of Wisconsin

The Chiropractic Society of Wisconsin (CSW) is a nonprofit affiliation of licensed doctors of chiropractic and associated businesses dedicated to the preservation and enhancement of the drug-free, holistic care of the people of Wisconsin. The CSW accomplishes its goals through: education and dissemination of information, organized governmental activity, legislation and regulation, mediation with consumer and public interest groups, and provision of collective benefits to its members. For more information, visit CSW's website at www.chiropracticsocietywi.org.

The National Board of Chiropractic Examiners (NBCE) | 901 54th Ave, Greeley, CO 80634

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From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Monday, May 07, 2018 1:54 PM
To: Julie Strandberg
Subject: Salute to Retiring NBCE Director Dr. Paul Morin



SALUTE TO RETIRING NBCE DIRECTOR DR. PAUL MORIN

At the annual meeting of the National Board of Chiropractic Examiners (NBCE) on May 4, Dr. Paul Morin completed his term of service as an NBCE board member. Dr. Morin’s contributions have been invaluable, and his leadership will continue well beyond his tenure.



Paul N. Morin, D.C., of Auburn, ME, was first elected as District III Director in 2009, a position he held continuously until his retirement from the board. However, his contributions reached far beyond his district.

Dr. Morin served eight terms on the NBCE Executive Committee:

- President, 2016-2017
- Vice President, 2014-2016
- Treasurer, 2011-2014
- Secretary, 2010-2011 and 2017-2018

Dr. Morin is known for his devotion to integrity. NBCE President Dr. Salvatore LaRusso said of him, “Paul Morin made all of us better board members. With his knowledge of parliamentary procedures, Paul ensured efficient and well-run meetings. He insisted on listening, respecting differing points of view, and valuing a well-thought-out plan. Paul will be a lifelong friend to the NBCE; it has been a privilege to work with him. ”

Dr. Morin was a driving force in the areas of defining sound strategic direction along with ensuring a firm foundation for all financial decisions. This included the creation and incorporation of the Ethics and Boundaries Assessment Services as well as increasing testing services to states’ law and rules exams and chiropractic specialty exams.

Dr. Morin received his B.S. from Bates College in 1981 and attended Palmer College of Chiropractic, graduating Magna Cum Laude in 1984. He has been in chiropractic practice in Maine since 1984. In 1996, Dr. Morin was appointed by Maine’s Governor to serve as a member of Maine’s Chiropractic Licensing Board. He received the Maine Chiropractic Association’s Legislative Award in

From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Wednesday, May 09, 2018 2:04 PM
To: Julie Strandberg
Subject: Dr. Craft Receives Tullio Award



Dr. Craft Receives NBCE's Tullio Award

GREELEY, Colo.—Former NBCE President Dr. Donna L. Craft was presented with the Paul M. Tullio Award for Distinguished Service to the National Board of Chiropractic Examiners (NBCE) during National Board Day in Dallas, Texas, on May 4, 2018.



The Tullio Award recognizes a distinguished leader in chiropractic whose contributions in testing, licensing and legislative issues have benefitted the profession. This year, the NBCE Board of Directors honored Dr. Craft in recognition of her strong leadership and principled devotion to the NBCE and the chiropractic profession.

Dr. Craft was first elected to the NBCE Board of Directors as an At-Large Director in 2003. In 2007, she was elected District II Director and re-elected twice (2010 and 2013). She served on the Executive Committee as Secretary in 2005-2006, as Treasurer in 2010, and as Vice President in 2012-2013. In 2014, she was unanimously elected President, becoming the first woman to serve in that position.

Dr. Craft demonstrated her commitment to the NBCE by adhering to basic principles of governance, including focus on policy decisions. Through her insistence that all new projects espouse NBCE's vision and values, Dr. Craft modeled Dr. Tullio's vision of fiduciary responsibility.

Dr. Craft, a resident of Michigan, is a graduate of Palmer College of Chiropractic and was a member of the first class to earn a Diplomate of the International Council of Chiropractic Pediatrics. She was a founding member of the Council of Chiropractic Pediatrics. In 2015, she was inducted as a Fellow in the Palmer Academy of Chiropractic and elected as Palmer Trustee in 2017. In 2016, Dr. Craft was elected Fellow of the International College of Chiropractors, Inc. Additionally, in 2017, Dr. Craft was named to the board of Women Chiropractors, a non-profit group supporting women chiropractors internationally.

Headquartered in Greeley, Colo., NBCE's mission is: Ensuring professional competency through excellence in testing. Established in 1963, the NBCE develops, administers and scores legally defensible, standardized written and practical examinations for candidates seeking chiropractic licensure throughout the United States and in several foreign countries.

From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Thursday, May 10, 2018 2:18 PM
To: Julie Strandberg
Subject: NBCE Seats Board and Elects Officers at 2018 Annual Meeting



NBCE Seats Board and Elects Officers at 2018 Annual Meeting

Greeley, Colo.—The National Board of Chiropractic Examiners (NBCE) held its annual meeting on May 4, 2018, in Dallas, Texas.

At the meeting, the NBCE elected the following officers who will serve as the Executive Committee for the coming year. They are: **Dr. Salvatore LaRusso** (Florida) will serve as president, **Dr. Steven Conway** (Wisconsin) will serve as vice president, **Dr. Daniel Côté** (Oregon) will serve as secretary, and **Dr. John Nab** (Kansas) will serve as treasurer.

State delegates elected these directors:

- District III Director **Dr. Michael Fedorczyk** (Maryland), replacing Dr. Paul Morin (Maine) who was term-limited.
- District IV Director **Dr. Benjamin Lurie** (Nevada)
- District V Director **Dr. John McGinnis** (South Carolina)

Drs. Fedorczyk and McGinnis will serve three-year terms. Dr. Lurie's term is two years. Two district directors will continue their terms on the NBCE board. They are **Dr. Daniel Côté** (Oregon) in District I and **Dr. LeRoy Otto** (Minnesota) in District II.

The NBCE board also has four at-large positions, two of which were open for election in 2018. **Dr. Steven Conway** (Wisconsin) and **Dr. John Nab** (Kansas) were re-elected for two-year terms. **Dr. Salvatore LaRusso** (Florida) and **Dr. Farrel Grossman** (South Carolina) will continue their terms.

The Federation of Chiropractic Licensing Boards (FCLB) fills two NBCE board positions. In 2018, **Dr. Kirk Shilts** (Massachusetts) and **Dr. Carol Winkler** (North Dakota) have been appointed to serve in this capacity.

Headquartered in Greeley, Colo., NBCE's mission is: Ensuring professional competency through excellence in testing. Established in 1963, the NBCE develops, administers and scores legally defensible, standardized written and practical examinations for candidates seeking chiropractic licensure throughout the United States and in several foreign countries.

The National Board of Chiropractic Examiners (NBCE) | 901 54th Ave, Greeley, CO 80634

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From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Monday, May 14, 2018 11:37 AM
To: Julie Strandberg
Subject: NBCE to Launch Computer-Based Testing in 2019



NBCE TO LAUNCH COMPUTER-BASED TESTING in 2019

Greeley, CO—The National Board of Chiropractic Examiners (NBCE) will launch computer-based testing (CBT) on chiropractic college campuses in 2019.

After a careful and thorough analysis of CBT delivery options, the NBCE Board of Directors committed to a five-year strategic partnership with Prometric®, a trusted provider in testing and assessment solutions, at its board meeting in Dallas, Texas, on May 1, 2018. Through this alliance, the NBCE will be able to offer CBT beginning in January 2019.

NBCE Board President Dr. Salvatore LaRusso spoke highly of Prometric. “This is a significant decision ensuring that NBCE will continue as a leader in professional testing. Examinees and internal support services alike will directly benefit from Prometric’s vast experience in high stakes testing and their significant investment in testing technology.”

While NBCE and Prometric are still finalizing the agreement, both parties believe it will bring several advantages, including:

- Provision of a consistent, secure and reliable testing experience to all examinees will be realized, regardless of location, through a robust and evolving technology platform.
- A full transition to CBT will allow NBCE to increase the number of written exam administrations through more efficient exam processes.
- A testing platform that has been developed and vetted through other professional testing organizations helps ensure a focus on features that make exam navigation easier and more intuitive.
- Examinees requiring test accommodations will benefit from options such as enlarged print, audio recordings, etc.
- Prometric’s delivery model minimizes interruptions due to Internet connectivity and lag time while utilizing progressive security technology and protocols to keep NBCE’s exam content safe.

- Comprehensive training for proctors helps ensure consistency of the exam experience.
- Through precise technology specifications and vigorous testing, Prometric guarantees successful delivery in collaboration with on-campus computer labs.
- Examinees will benefit from improved communications and scheduling for application and registration procedures.

In partnership with Prometric, the NBCE will develop, manage and deliver exams that feature the industry's most integrated, technology-enabled environment. Through administration of more than seven million tests each year in more than 180 countries, Prometric has demonstrated expertise in the delivery of licensing exams in professional areas such as medical examiners, podiatry, osteopathy, and dental exams.

Headquartered in Greeley, Colo., NBCE's mission is: Ensuring professional competency through excellence in testing. Established in 1963, the NBCE develops, administers and scores legally defensible, standardized written and practical examinations for candidates

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From: The National Board of Chiropractic Examiners (NBCE) <communications@nbce.org>
Sent: Monday, May 21, 2018 1:38 PM
To: Julie Strandberg
Subject: Corrected release: Dr. Carol Winkler



Dr. Winkler Seated on NBCE Board

Greeley, Colo.— The National Board of Chiropractic Examiners seated Dr. Carol Winkler (N.D.) at its annual meeting in Dallas, Texas, on May 4, 2018. Dr. Winkler holds one of the two seats filled by the Federation of Chiropractic Licensing Boards (FCLB). She comes to the NBCE with extensive experience of NBCE test committees and exam administration.



Dr. Winkler is a graduate of Palmer College of Chiropractic, practicing in Bismarck, N.D. She is a member of the North Dakota Chiropractic Association and was named Chiropractor of the Year in 2016 by that organization.

Dr. Winkler is currently the FCLB Treasurer. She also held the positions of Board Chair and District I Director for the FCLB. She is a former President of the North Dakota Board of Chiropractic Examiners.

Dr. Winkler comes from a long line of leaders. Her father, Dr. Carroll H. Winkler, served as a member of the NBCE Board of Directors from 1991-1995.

Headquartered in Greeley, Colo., the NBCE is the international testing organization for the chiropractic profession. Established in 1963, the mission of the NBCE is to ensure professional competency through excellence in testing.

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STAY CONNECTED



From: NBCE District IV Director <communications@nbce.org>
Sent: Monday, June 18, 2018 1:00 PM
To: Julie Strandberg
Subject: NBCE District IV Newsletter



From the desk of Dr. Benjamin Lurie NBCE District IV Director

Thank you to those of you who attended the meeting in Dallas on May 4. The Annual Meeting and National Board Day are the NBCE's once-a-year opportunity to see old friends and make new friends, while we update you on the work of the NBCE. This year's meeting was especially important in strengthening our relationships with state board members.



This is an exciting time at the NBCE. We are proud of the introduction of computer-based testing, adding digital diagnostic imaging to Part IV, updating our website, EBAS, improving stakeholder communication, and many other advances. This year, we made a promise to you as our stakeholders: We will find better ways to communicate with you and your boards on a more frequent basis. We are holding ourselves accountable to this promise. We appreciate the perspective of voting delegates, alternates and state board members. The NBCE would not be successful without input from chiropractic professionals. We count on you to ask questions and to give feedback. Simply put, we appreciate YOU, your devotion to chiropractic, and your steadfast commitment to the success of the NBCE.

If I didn't see you in May, then I hope we will connect at the District IV meeting in September. Please let me know if you have specific questions I should address at that meeting.

In the meantime, thank you for allowing me the honor of serving as your District Director. If you have not already done so, please visit the new website at www.nbce.org. Feel free to use the "Live Chat" feature on the website to interact or ask questions directly to NBCE staff. You can also follow activities on the NBCE campus as well as many opportunities for you and your fellow board members to serve by following NBCE on Facebook, Instagram and Twitter. You can find these links below.

Contact Information

Dr. Benjamin Lurie, District IV Director
blurie@nbce.org
702-644-3333 op. 1
www.nbce.org

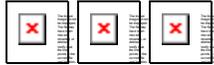
Upcoming Events

District IV meeting:
Renaissance Palm Springs
888 Tahquitz Canyon Way
Palm Springs, CA 92262
Sept. 20-23, 2018

2019 NBCE Annual Meeting and National Board Day
San Diego, CA
May 4, 2019

Ensuring professional competency through excellence in testing.

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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action.

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 45 minutes

BACKGROUND INFORMATION:

- A. Complaint 16-11S (Colucci)
- B. Complaint 17-07S (Jaeger)
- C. Complaint 17-08S (Lurie)
- D. Complaint 17-18S (Jaeger)
- E. Complaint 17-24S (Jaeger)
- F. Complaint 17-25S (Martinez)
- G. Complaint 17-26S (Colucci)
- H. Complaint 17-28S (Lurie)
- I. Complaint 17-30S (Colucci)
- J. Complaint 17-31S (Martinez)
- K. Complaint 17-33S (Jaeger)
- L. Complaint 18-02S (Outside Investigator)
- M. Complaint 18-03S (Colucci)
- N. Complaint 18-04N (Martinez)
- O. Complaint 18-05S (Lurie)
- P. Complaint 18-06S (Jaeger)
- Q. Complaint 18-07S (Lurie)
- R. Complaint 18-08S (Jaeger)

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16A 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 (Dr. Colucci)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Maggie Colucci, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The Board received copies of two depositions involving an Associate DC who, under the direction of another DC allegedly utilized a template for all patients which identified the same treatment codes, x-rays, etc. for all patients.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16A

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16B 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:

B. Complaint 17-07S (Dr. Jaeger)

RECOMMENDED MOTION: Settlement Agreement & Order

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The allegations of the initial complaint did not substantiate a violation of NRS or NAC 634. However, the IBM learned through the investigation that the DC did make and maintain records on all patients. Dr. Jaeger presented Dr. Alexander with the attached Settlement Agreement and Order, which has been signed. Complaint 17-33S is also accounted for in this SAO.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16C 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:

C. Complaint 17-08S (Dr. Lurie)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Ben Lurie, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant stated that they were becoming uncomfortable with the DC's aggressive behavior of pushing expensive procedures, without consideration of the individual's health or the benefits to their recovery.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16C

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 16D** 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:

D. Complaint 17-18S (Dr. Jaeger)

RECOMMENDED MOTION: **No recommendation**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant alleged unprofessional conduct and possible over-billing.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16D

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16E 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:

E. Complaint 17-24S (Dr. Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that the DC conducted chiropractic outside the hours of operation of the clinic to which the services have not been documented in the point of sale system or patient record system, so there is no evidence that payment was made. In addition, the DC allegedly distributed Marijuana out of the clinic. This complaint has evolved from the original complaint and is pending a criminal matter.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16F 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:

F. Complaint 17-25S (Dr. Martinez)

RECOMMENDED MOTION: Recommend Dismissal.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that they were sold a package and treated by the DC in January 2017, however upon this visit they were told by the DC that they could not treat them and referred them to another DC.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16F

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 16G** 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:

G. Complaint 17-26S (Dr. Colucci)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Maggie Colucci, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant is questioning the billing practices and business operations of the DC.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16G

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16H 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:

H. Complaint 17-28S (Dr. Lurie)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Ben Lurie, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The Board was notified by the National Practitioners Data Bank that a DC settled a malpractice claim, which is to be reported to the Board by the DC within 15 days pursuant to NAC 634.425. To date the DC has not notified the Board of this action.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16I 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:

I. Complaint 17-30S (Dr. Colucci)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Maggie Colucci, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged fraudulent billing and invoices reflect an address of a UPS Store.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16I

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16J 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:

J. Complaint 17-31S (Dr. Martinez)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: This complaint was recommended by the Board to review the business structure of a chiropractic practice.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16K 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:

K. Complaint 17-33S (Dr. Jaeger)

RECOMMENDED MOTION: Settlement Agreement & Order

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleged that the DC is not maintaining patient records. Dr. Jaeger presented Dr. Alexander with the attached Settlement Agreement and Order, which has been signed. Complaint 17-07S is also accounted for in this SAO.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16L 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:

L. Complaint 18-02S (Outside Investigator)

RECOMMENDED MOTION: Recommend Dismissal.

PREPARED BY: Julie Strandberg

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: This complaint was received from a DC who has an open complaint against them. They alleged that the IBM was taking advantage of their position with respect to the investigation of their complaint.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 16M** 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:

M. Complaint 18-03S (Dr. Colucci)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Maggie Colucci, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Alleged unlicensed practice.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16M

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16N 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:

N. Complaint 18-04S (Dr. Martinez)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleges that the DC and his employer are friends and were trying to cover up a workers' compensation claim.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16N

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16O 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:

O. Complaint 18-05S (Dr. Lurie)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Ben Lurie, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant states that they were referred to this DC by their insurance company and alleged that the DC's front office staff is unprofessional and the DC allegedly showed unprofessional conduct possibly practicing below the standard of care.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16P 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:

P. Complaint 18-06S (Dr. Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleges that staff is performing CA duties absent the DC being present in the office. They also allege that the signage violates NAC as well as a commercial on TV.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16P

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16Q 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:

Q. Complaint 18-07S (Dr. Lurie)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Ben Lurie, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The complainant alleges that the DC initially gave him a PPD rating, however after having a discussion with the insurance company the DC changed the PPD rating.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16Q

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 16R 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:

R. Complaint 18-08S (Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Julie Strandberg

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: The Board is in receipt of a complaint from a Nevada attorney regarding a judge's ruling, that in order to be an expert reviewing chiropractic patient records the chiropractor must be licensed in Nevada.

In this case, the judge struck the trial testimony provided by an out-of-state DC.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 16R

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 17** Committee Reports - For possible action

- A. Continuing Education Committee (Dr. Martinez) – No action**
- B. Legislative Committee (Dr. Jaeger) – No action**
- C. Preceptorship Committee (Dr. Rovetti) – No action**
- D. Test Committee (Dr. Lurie) – For possible action**

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION: **The Committee Chairs will report on their committee's activities since the last meeting.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

**MOCK-UP OF BILL DRAFT LANGUAGE FOR 2017 SESSION FROM
THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

*** Add language to allow chiropractors with the appropriate credentials be allowed to perform **dry needling**, whether it be licensed through the CPBN or through the Osteopathic Board.*

Section 1. NRS 634.014 shall be amended to read as follows:

634.014 “Chiropractic adjustment” means ~~[the]~~ *any* application of a precisely controlled force applied by hand or mechanical device to a specific focal point of the anatomy for the sole purpose of creating a specific angular movement in skeletal articulations to eliminate or decrease interference with neural transmission ~~[and]~~ *, to improve health, or to* correct or attempt to correct subluxation complex.

Sec. 2. NRS 634.020 shall be amended to read as follows:

634.020 1. The Chiropractic Physicians’ Board of Nevada, consisting of seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who are:

(1) Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;

(2) Licensed under this chapter; and

(3) Actually engaged in the practice of chiropractic in this State and who have been so engaged in this State for at least 3 years preceding their appointment.

(b) One member who represents the interests of persons or agencies that regularly

provide health care to patients who are indigent, uninsured or unable to afford health care. This member may be licensed under the provisions of this chapter.

(c) Two members who are representatives of the general public. A member appointed pursuant to this paragraph must not be:

(1) A chiropractor or a chiropractor's assistant; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a chiropractor or a chiropractor's assistant.

3. At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic. ~~[Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the Board.]~~

4. If a member is not licensed under the provisions of this chapter, the member shall not participate in preparing any examination required by the Board.

Sec. 1. NRS 634.080 shall be amended to read as follows:

NRS 634.080 1. ~~[An applicant for examination must file an application not less than 60 days before the date of the examination.]~~

Sec. 2. NRS 634.080 shall be amended to read as follows:

~~2.]~~ An application must be filed with the Secretary of the Board on a form to be furnished by the **Secretary-Executive Director**.

~~[3.]~~ 2. An application must be verified and must state:

(a) When and where the applicant was born, the various places of the applicant's residence during the 5 years immediately preceding the making of the application and the address to which he or she wishes the Board to mail the license.

(b) The name, age and sex of the applicant.

(c) The names and post office addresses of all persons by whom the applicant has been employed for a period of 5 years immediately preceding the making of the application.

(d) Whether or not the applicant has ever applied for a license to practice chiropractic in any other state and, if so, when and where and the results of the application.

(e) Whether the applicant is a citizen of the United States or lawfully entitled to remain and work in the United States.

(f) Whether or not the applicant has ever been admitted to the practice of chiropractic in any other state and, if so, whether any discharge, dismissal, disciplinary or other similar proceedings have ever been instituted against the applicant. Such an applicant must also attach a certificate from the chiropractic board of each state in which the applicant was licensed, certifying that the applicant is a member in good standing of the chiropractic profession in that state, and that no proceedings affecting the applicant's standing as a chiropractor are undisposed of and pending.

(g) The applicant's general and chiropractic education, including the schools attended and the time of attendance at each school, and whether the applicant is a graduate of any school or schools.

(h) The names of:

(1) Two persons who have known the applicant for at least 3 years; and

(2) A person who is a chiropractor licensed pursuant to the provisions of this chapter or a professor at a school of chiropractic.

(i) All other information required to complete the application.

[4.] 3. An application must include a copy of the applicant's official transcript from

the school or college of chiropractic from which the applicant received his or her degree of doctor of chiropractic, which must be transmitted by the school or college of chiropractic directly to the Board.

4. An applicant may take the examination at any time after his or her application has been determined to be complete by the Executive Director.

Sec. 4. NRS 634.090 shall be amended to read as follows:

NRS 634.090 1. An applicant must, in addition to the requirements of NRS 634.070 and 634.080, furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) ~~[Except as otherwise provided in subsection 2, not less than 60 days before the date of the examination, that]~~ *That* the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;
- (2) Bacteriology;
- (3) Chiropractic theory and practice;
- (4) Diagnosis and chiropractic analysis;
- (5) Elementary chemistry and toxicology;
- (6) Histology;
- (7) Hygiene and sanitation;

- (8) Obstetrics and gynecology;
 - (9) Pathology;
 - (10) Physiology; and
 - (11) Physiotherapy; and
- (c) That the applicant:

~~(1) Holds certificates which indicate that he or she h~~Has successfully completed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners or equivalent; or

~~(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.~~

(2) an exit examination administered by a chiropractic college accredited by the Council on Chiropractic Education whose examination is approved by the Board, or

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsection 4, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

Sec. 5. NRS 634.100 shall be amended to read as follows:

NRS 634.100 1. An applicant for a license to practice chiropractic in this State must pay the required fee to the Secretary of the Board [~~not less than 60 days~~] before the date of the examination.

2. Except as otherwise provided in NRS 622.090:

(a) For a written, closed-book examination which is administered in person by the Board, a score of 75 percent or higher in all subjects taken on the examination is a passing score.

(b) For a written, open-book examination which is administered in person by the Board or an examination that is taken online, a score of 90 percent or higher in all subjects taken on the examination is a passing score.

3. If an applicant fails to pass the first examination, the applicant may take a second examination within 1 year without payment of any additional fees. Except as otherwise provided in NRS 622.090, credit must be given on this examination for all subjects previously passed.

4. An applicant for a certificate as a chiropractor's assistant must pay the required fee to the Secretary of the Board before the application may be considered.

Sec. 2. NRS 634.115 shall be amended to read as follows:

NRS 634.115 Temporary license: Application; conditions; limitations.

1. Except as otherwise provided in subsections 4 and 5, upon application, payment of the fee, if required, and the approval of its Secretary and President, the Board may, without examination, grant a temporary license to practice chiropractic in this State to a person who holds a corresponding license or certificate in another jurisdiction which is in good standing

and who actively practices chiropractic in that jurisdiction. A temporary license may be issued for the limited purpose of authorizing the holder thereof to treat patients in this State.

2. Except as otherwise provided in this subsection, an applicant for a temporary license must file an application with ~~the Secretary of the Board~~ Executive Director not less than 30 days before the applicant intends to practice chiropractic in this State. Upon the request of an applicant, the President or Secretary may, for good cause, authorize the applicant to file the application fewer than 30 days before he or she intends to practice chiropractic in this State.

3. Except as otherwise provided in subsection 6, an application for a temporary license must be accompanied by a fee of \$50 and include:

(a) The applicant's name, the address of his or her primary place of practice and the applicant's telephone number;

(b) A current photograph of the applicant measuring 2 by 2 inches;

(c) The name of the chiropractic school or college from which the applicant graduated and the date of graduation; and

(d) The number of the applicant's license to practice chiropractic in another jurisdiction.

4. A temporary license:

(a) Is valid for the period designated on the license, which must be not more than ~~10~~ 7 days;

(b) Is valid for the place of practice designated on the license; and

(c) Is not renewable.

5. The Board may not grant more than two temporary licenses to an applicant during any calendar year.

6. A chiropractic physician who applies for a temporary license solely for the purpose of providing chiropractic services to a patient in this State without remuneration is not required to pay the fee required pursuant to subsection 3.

(Added to NRS by 1993, 327; A 2001, 6; 2013, 548; 2015, 511)

NRS 634.130 Renewal of license or certificate; continuing education; waiver of educational requirement or renewal fee; expiration and reinstatement; regulations.

1. Licenses and certificates must be renewed biennially. Except as otherwise provided in subsection 9, each person who is licensed or holds a certificate as a chiropractor's assistant pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal license or certificate which authorizes the person to continue to practice for 2 years.

2. Except as otherwise provided in subsection 9, the renewal fee must be paid and all information required to complete the renewal must be submitted to the Board by January 1 of:

- (a) Each odd-numbered year for a licensee; and
- (b) Each even-numbered year for a holder of a certificate as a chiropractor's assistant.

3. Except as otherwise provided in subsection 5, 6 or 7, a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5, 6 or 8, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of subsection 3 or 4 may be waived by the Board if the licensee or holder of a certificate as a chiropractor's assistant files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee or holder of a certificate as a chiropractor's assistant is suffering from a serious or disabling illness or physical disability which prevented the licensee or holder of a certificate as a chiropractor's assistant from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

6. The Board may waive the educational requirement of subsection 3 or 4 for a licensee or a holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits to the Board proof that the licensee or holder of a certificate was in active military service which prevented the licensee or holder of a certificate from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license or certificate.

7. A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

8. A holder of a certificate as a chiropractor's assistant is not required to comply with the requirements of subsection 4 until the first even-numbered year after the Board issues to the holder of a certificate an initial certificate to practice as a chiropractor's assistant in this State.

9. The Board may waive the renewal fee for a licensee or holder of a certificate as a chiropractor's assistant if the licensee or holder of a certificate submits proof to the Board that the licensee or holder of a certificate was in active military service at the time the renewal fee was due.

10. If a licensee fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to [NRS 634.129](#); or

(d) Submit all information required to complete the renewal, the license automatically expires and, except as otherwise provided in [NRS 634.131](#), may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

11. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to [NRS 634.129](#); or

(d) Submit all information required to complete the renewal, the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

[Part 8:23:1923; A 1951, 258]—(NRS A 1963, 279; [1969, 349](#); [1971, 358](#); [1975, 642](#); [1977, 965](#); [1981, 1340](#); [1983, 422](#); [1991, 2084](#); [1993, 331](#); [1995, 2750](#); [1997, 821](#), [2131](#); [2003, 3446](#); [2005, 2730](#), [2807](#), [2817](#); [2007, 2935](#); [2011, 1821](#); [2013, 549](#); [2015, 511](#))

NRS 634.131 Application for reinstatement of expired license; regulations.

1. If a license expires pursuant to the provisions of subsection 10 of [NRS 634.130](#) and the license was not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have an expired license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with [NRS 634.130](#) for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on ~~an~~ a closed-book examination and a score

provisions of this chapter and the regulations adopted by the Board;

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic;

(2) The fee for reinstating a license to practice chiropractic which has expired;
and

(3) The fee for the processing of fingerprints established pursuant to subsection 4; and

(c) Submit a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of an expired license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

4. The Board shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

(Added to NRS by [2007, 2934](#); A [2011, 1823](#); [2013, 551](#); [2015, 513](#))

Sec. 6. NRS 634.140 shall be amended to read as follows:

1. Unprofessional conduct.

2. Conviction of:
 - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (b) A ~~[felony]~~ *crime* relating to the practice of chiropractic;
 - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or
 - (d) Any offense involving moral turpitude.
 3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.
 4. ~~[Gross or repeated malpractice]~~ *Incompetence or negligence in the practice of chiropractic medicine.*
 5. Referring, in violation of NRS 439B.425, a patient to a health facility, medical laboratory or commercial establishment in which the licensee has a financial interest.
 6. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.
- ↪ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. NRS 634.190 shall be amended to read as follows:

1. The person charged is entitled to a hearing before the Board, but the failure of the person charged to attend a hearing or to defend himself or herself does not delay or void

the proceedings. The Board may, for good cause shown, continue any hearing from time to time.

2. If the Board finds the person [~~guilty as charged~~] *violated any or all of the charges made* in the complaint, it may by order:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice chiropractic.

(f) Impose a fine of not more than \$5,000 for each act which constitutes a ground for disciplinary action, which must be deposited with the State Treasurer for credit to the State General Fund.

↪ The order of the Board may contain such other terms, provisions or conditions as the Board deems proper [~~and which are not inconsistent with law~~] *to remedy or address the facts and circumstances of the particular case.*

3. If the Board finds that a licensee has violated the provisions of NRS 439B.425, the Board shall suspend the license for a specified period or until further order of the Board.

4. The Board shall not administer a private reprimand.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 8. NRS 634.015 is repealed.

TEXT OF REPEALED SECTION

NRS 634.015 “Gross malpractice” defined. “Gross malpractice” means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **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**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Julie Strandberg**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

STATUS OF PENDING COMPLAINTS – July 19, 2018

<u>Complaint No.</u>	<u>Date Received</u>	<u>Investigator</u>	<u>Nature of Complaint</u>	<u>Current Status</u>	<u>Costs To Date</u>
16-11S	9/7/2016	Colucci	Erroneous records and billings	Under investigation	\$1,570.68
17-07S	2/27/2017	Jaeger	Alleged misconduct and employing any person as a CA unless issued a certificate or has applied for a certificate	Under investigation	\$933.40
17-08S	3/3/2017	Lurie	Alleged misconduct	Under investigation	\$945.00
17-18S	6/21/2017	Jaeger	Alleged unprofessional conduct and over-billing	Under investigation	
17-24S	8/9/2017	Jaeger	Alleged unprofessional conduct	Under investigation	\$475.00
17-25S	8/10/2017	Martinez	Alleged unprofessional conduct	Under investigation	
17-26S	8/10/2017	Colucci	Alleged unprofessional conduct	Under investigation	
17-28S	9/12/2017	Lurie	Failure to report malpractice claim	Under investigation	
17-30S	10/16/2017	Colucci	Alleged fraudulent billing	Under investigation	
17-31S	10/19/2017	Martinez	Business structure	Recommend dismissal	
17-33S	11/15/2017	Jaeger	Allegedly not keeping patient records	Under investigation	
18-02S	2/1/2018	Outside investigator	Alleged unethical process	Under investigation	\$941.20
18-03S	2/20/2018	Colucci	Alleged unlicensed practice	Under investigation	\$672.00
18-04N	6/7/2018	Martinez	Alleged unprofessional conduct	Under investigation	
18-05S	6/22/2018	Lurie	Alleged unprofessional conduct	Under investigation	
18-06S	6/22/2018	Jaeger	Alleged advertising violation and unprofessional conduct.	Under investigation	
18-07S	7/9/2018	Lurie	Alleged that the DC changed their PPD rating after a discussion with the insurance adjuster.	Under investigation	

<u>Complaint No.</u>	<u>Date Received</u>	<u>Investigator</u>	<u>Nature of Complaint</u>	<u>Current Status</u>	<u>Costs To Date</u>
18-08S	7/13/2018	Jaeger	Legality of a non-licensed DC testifying as an expert in Nevada	Under investigation	
DORMANT COMPLAINTS:					
11-23S	11/7/2011		Unredeemable "nsf" check written on Doctor's business account	To be held in abeyance; to be addressed if the licensee requests reinstatement in the future	
13-23N	9/30/2013		Possible malpractice	To be held in abeyance; to be addressed if the licensee requests reinstatement in the future	

STATUS OF CURRENT DISCIPLINARY ACTIONS at May 31, 2018

Disciplinary Action with Probation

1. Alan Bader, DC, License No. 567

On April 21, 2017 Dr. Bader entered into a Settlement Agreement and Order with the Board. Dr. Bader will be on probation for two years with a practice monitor who will assure compliance with the terms and conditions of the settlement agreement. Dr. Bader shall take and pass the Ethics and Boundaries exam as well as the Nevada jurisprudence examination. Dr. Bader shall take and pass four hours of continuing education relating to ethics and boundaries and four hours related to the making and keeping of patient records. Dr. Bader was ordered to pay a fine in the amount of \$5,000.00 and the Boards' costs in the amount of \$1,629.80, which was satisfied on May 17, 2017. Dr. Bader is in compliance with the Board Order.

2. Daniel Brady, DC, License No. B1391

By Settlement Agreement, Dr. Brady shall comply with all terms and conditions of the California Board's Decision and Order dated April 24, 2012 (eff. May 24, 2012) which placed him on probation for five years with certain terms and conditions. He reimbursed the Board's \$325.00 costs on November 12, 2012 and passed the Board's jurisprudence examination with a score of 81%. **Dr. Brady returned to Active status and is no longer tolling as of February 2015. He is currently in compliance with the requirements of his probation.**

3. Timothy Francis, DC, License No. B309

Pursuant to the Board Order Dr. Francis is on probation for three years effective August 21, 2015 and shall pay the costs incurred in the investigation and prosecution within the three years in the amount of **\$60,484.16**. Dr. Francis passed the Ethics and Boundaries Assessment Services (EBAS) Essay Examination on October 22, 2015 and passed the Board's jurisprudence exam on October 9, 2015. Dr. Francis submitted the written correction plan to address policies, procedures, and steps he intends to take regarding teaching and chiropractic practices to assure that he maintains proper and distinct professional boundaries between his students, his mentees, his personal friends, his paramours, and his patients, which was approved. The IBM may speak to Dr. Francis at his discretion to ensure Dr. Francis is following the correction plan that was agreed to. Dr. Francis paid the Board costs in full in the amount of **\$60,484.16**.

Dr. Francis' probation will terminate on August 21, 2018. This will be his final reporting.

4. Casey D. Robinson, DC, License No. B1263

Dr. Robinson was granted a license on September 14, 2007 under the condition that he comply with all of the terms and conditions of his Agreement on Conditions for Licensure with California and monitoring of his practice by Board-appointed Compliance Monitor, Dr. Jeff Andrews. Dr. Robinson's 5-year probation with California commenced on February 14, 2006. He was required to reimburse the California Board's costs of \$3,103.75 and serve 4 hours per month of community service for 2-1/2 years of his probation. It was subsequently determined that Dr. Robinson did not comply with the terms and conditions of his agreement with California. This was addressed at the June 4, 2011 meeting and a new Agreed Settlement was approved that extends his probation for another five years concurrent with and under the same terms and conditions as his settlement agreement with California. **Dr. Robinson was placed in tolling status effective November 18, 2015 and has a five year tolling limit. Dr. Robinson is current and in compliance with the terms and conditions of his California probation per the California Board.**

5. Paul Rovetti, DC, License No. B328

On April 7, 2016 the Board ordered Dr. Rovetti's license be suspended for three months, but the suspension shall be stayed pending successful completion of the following terms: The term of probation shall be from the effective date of this Order until December 31, 2018. Take and pass the Board's jurisprudence exam and the EBAS within 90 days of the effective date of this Order. Provide written evidence of completion of at least 4.5 hours of continuing education every 90 days throughout the period of probation. Pay the Boards' fees and costs totaling \$1,718.90 and pay a fine of \$1,000.00. Dr. Rovetti's failure to comply with the Board's order within 90 days has resulted in suspension of his license effective July 28, 2016. **The fines and fees totaling \$2,718.90 will be written off and will be transferred to the Controller's Office for collection. This will be the final reporting for Dr. Rovetti.**

6. Mark Rubin, DC, License No. B753

On September 10, 2016 Dr. Rubin entered into a Settlement Agreement and Order with the Board. Dr. Rubin will be on probation for three years with a practice monitor who will assure compliance with the terms and conditions of the settlement agreement. Dr. Rubin shall provide documentation as noted in the Settlement Agreement and Order to the Investigating Board Member within the time frames identified. Dr. Rubin was ordered to pay a fine in the amount of \$1,500.00 and pay the Board's costs in the amount of \$2,500.00.

Dr. Rubin appeared before the Board at its January 11, 2018 meeting and entered into an Order Modifying Settlement Agreement and Order. All the terms and conditions in the SAO entered September 10, 2016 shall remain in full force and effect, except he may pay the Board's costs at the minimum rate of \$50.00 per month and in lieu of paying the \$1,500.00 fine he may perform 100 hours of community service, which he has completed with the People's Autism Foundation. **The current balance of the Board costs due is \$1,850.00.**

7. David Stella, DC, License No. B753

Dr. Stella entered an Order Imposing Discipline Pursuant to Supplemental Stipulation to Modify SAO on January 31, 2018. Dr. Stella will be on probation for three years effective January 31, 2018. Dr. Stella shall reimburse the Board \$2,500.00 for Dr. Mortillaro's fees within 30 days, which he paid on January 18, 2018. Dr. Stella shall pay a fine of \$3,500 (\$2,500.00 for the violation of his SAO and \$1,000.00 for violation of his recordkeeping obligations) and board costs & fees in the amount of \$1,280.00 within 60 days of the effective date of this order. Within six months of the effective date of this Order, Dr. Stella shall provide the Board's office written evidence of satisfactory completion of eight hours of continuing education related to ethics and boundaries and four hours related to medical recordkeeping. **Dr. Stella has submitted two hours of continuing education in record keeping.** Dr. Stella paid his fine in full in the amount of **\$3,500.00** and paid his Board costs in full in the amount of **\$1,280.00.**

Probation Only

1. Bret Brown, DC, License No. B01639

The Board approved Dr. Brown's application for DC licensure at the January 13, 2017 meeting subject to the following conditions: #1 Take and pass the Ethics & Boundaries Examination and #2 pay a fine in the amount of \$1,500.00, which was paid on February 27, 2017. Upon successfully completing #1 and #2 Dr. Brown shall take and pass the Nevada jurisprudence exam, which have all been completed. Dr. Brown was granted his license on February 28, 2017 under the condition that his license be on probation for three years and he will have a practice monitor for the duration of his probation effective February 28,

2017. Dr. Brown must submit twelve hours of continuing education related to chiropractic ethics and boundary issues by December 1, 2017, which was completed on November 17, 2017. Dr. Brown may be asked to provide lab testing and must provide the requested sample within four hours of any such request. Failure to comply with any term of this probation shall result in the automatic suspension of Dr. Brown's license. Upon complying his license will automatically be reinstated. Dr. Brown is in compliance with this order.

Disciplinary Actions with No Probation

8. Francis Raines, DC, License No. B0187

Under the March 12, 2013 Board Order, Dr. Raines shall be monitored by the Investigating Board Member, a chiropractic physician, and a mental health monitor for 24 months from the date he begins practicing, which occurred on December 8, 2015. Dr. Raines' wife is serving as the business and financial manager and is currently the only employee. Dr. Raines was ordered to pay a fine in the amount of \$20,000.00 and has been making monthly payments of \$75.00 per month since May 30, 2013 and continues to do so. **The current balance is \$16,021.00.** Dr. Raines is in compliance with the terms of the Order.

IAN YAMANE, D.C.
2851 N. TENAYA WAY, STE. 103
LAS VEGAS, NEVADA 89128
(702) 309-4878
(702)309-4879 fax

QUARTERLY REPORT

June 25, 2018

Ben Lurie, D.C.
Chiropractic Physician's Board of Nevada
4600 Kietzke Lane, M-245
Reno, NV 89502

RE: Brett Brown, D.C.

Probationary Period: 4/2017-4/2020

Dear Dr. Lurie:

Facility Inspection

On June 19th of 2018 I conducted a quarterly inspection at Dr. Brown's place of employment. He is employed by Dr. Albert Simoncelli with Mountainwest Chiropractic. Since my last visit, Braquell Meyer was promoted to a full time front desk position in May of 2018. She has replaced Alexis Gomez who no longer is employed. Dr. Brown has made no changes to his office layout.

Record Keeping

I reviewed a random selection of patient charts (CH, CR, IA, MZ, GJ) to assure their compliance with NAC 634.435. All files were compliant except for file CH. There were updated re-exam findings indicated on a hard copy. Even though updates were made the SOAP note did not indicate that the re-evaluation was performed. In fact, the previous

visit's services and charges were carried forward on the date in question. This was addressed with Dr. Brown who indicated that it was an oversight.

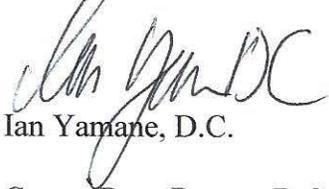
The other charts did have diagnosis codes did match up with the appropriate complaints and objective findings. Reevaluations were performed in a timely manner. The results were documented on paper and then transcribed into the EMR system. Dr. Brown's initials were found on the hard copy. Back office therapies were performed by chiropractic assistants where they did indicate who applied which therapy in an appropriate section within the EMR system. Each note did contain the brand of laser and therapeutic frequency utilized on each patient. The billing ledger and services performed indicated on the SOAP notes did match accordingly.

Conclusion

Dr. Brown continues to utilize the EMR system appropriately. Patient management and documentation are appropriate and within the standard of care. The mistake that was made on file CH as mentioned above was an oversight and was an exception to his standard record keeping.

My next visit will be in September of 2018.

Sincerely,



Ian Yamane, D.C.

Cc: Brett Brown, D.C.
CPBN Office

CHIROPRACTIC PHYSICIANS' BOARD

Legal/Investigatory Costs

Costs Incurred	Since Last Report February 2018	Year-To-Date Fiscal Year 2018/2019
Advantage Group	156.54	4,951.55
Attorney General	-	231.54
Sub-Total	156.54	5,183.09
Staff Attorney	7,425.00	20,127.00
Total	\$ 7,581.54	\$ - \$ 25,310.09
Costs Reimbursed		
Mark Rubin, DC	\$ 150.00	\$ 650.00
David Stella	\$ 1,280.00	\$ 1,280.00
Totals	\$ 1,280.00	\$ 650.00
No Activity		Total Amount Owed
Corazon Murillo, DC	-0-	\$ 10,024.21
Obteen Nassiri, DC	-0-	\$ 114,614.24
Paul Rovetti, DC	-0-	\$ 1,718.90
	\$ -	\$ 124,638.45

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 19 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 May 31, 2018**

RECOMMENDED MOTION: **Non-Action item.**

PRESENTED BY: **Julie Strandberg**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

**CHIROPRACTIC PHYSICIANS' BOARD
BANK BALANCE REPORT
As of May 31, 2018**

CHECKING ACCOUNT	38,783.29
SAVINGS ACCOUNT	260,476.56
SAVINGS ACCOUNT - Restricted	19,458.00
Paypal	544.70
Total Cash Balance @ 05/31/18	<u>\$319,262.55</u>

ACCOUNTS RECEIVABLE SUMMARY AS OF May 31, 2018

A/R	-1,500.00
Fines	64,240.55
Cost Reimbursements	120,543.14
Total A/R	<u>\$183,283.69</u>

**ACCOUNTS PAYABLE SUMMARY
As of May 31, 2018**

State Treasurer - Fines collected/payable	14,554.00
Total Accounts Payable	<u>\$ 14,554.00</u>

Extraordinary Items

***Employee Accrued Compensation as of 05/31/18**

	Vacation Hours	Sick-Leave Hours	Comp-Time Hours
Julie Standberg	113.32	913.97	-
Brett Canady	10.00	2.00	-

**Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - CASH BASIS
For the Period Ending May 31, 2018**

	Actual July 1, 2017 thru May 31, 2018	Variance
Revenue		
License & Fees	41,211.25	229,038.75
Application & Fees	28,287.50	(1,837.50)
Interest/Gain Loss on Invest	2,203.36	(1,203.36)
Exam Fees	12,149.24	(2,774.24)
Reinstatement Fees	3,535.00	3,965.00
Miscellaneous	21,248.25	626.75
Reimbursement Income	67,569.13	(33,551.13)
TOTAL REVENUE	265,454.67	
Expenses		
Background Checks	6,711.25	288.75
Banking Expenses	4,959.67	2,760.33
Dues & Registration	4,378.99	(378.99)
Equipment Repair	-	-
COMPUTER: Equipment/Software/Websites	15,314.14	(2,814.14)
Insurance	887.13	612.87
Legal & Professional	50,674.20	31,125.80
Operating Supplies	1,493.80	2,506.20
Printing & Copying	2,650.84	849.16
Postage	4,097.40	902.60
Casual Labor - Clerical	-	4,000.00
Personnel	-	
Office Salaries	103,497.79	22,502.21
Board Salaries	4,481.26	5,518.74
Workman's Compensation	505.29	5,244.71
Retirement - PERS	18,446.79	13,410.21
Employee Insurance - PEBP	18,627.40	2,372.60
Unemployment	1,102.95	1,172.05
Medicare & Social Security	1,658.69	3,306.31
Payroll Processing	442.00	8.00
Rent	14,086.44	118.56
Telephone	2,023.65	1,976.35
Travel	-	-
In State	3,201.75	6,798.25
Out State	6,213.24	3,786.76
TOTAL EXPENSES	\$ 265,454.67	
NET RESULT	\$ (89,250.94)	
BEGINNING CASH BALANCE 07/01/17	374,958.53	
NET OPERATING RESULT	285,707.59	

Chiropractic Physicians' Board of Nevada
Income/Expense Report - CASH BASIS
For the Period July 1, 2017 thru May 31, 2018

AGENDA ITEM 19E

	Actual July 1, 2017 thru May 31, 2018	Actual July 1, 2016 thru May 31, 2017
Revenue		
License & Fees	41,211.25	486,625.25
Application & Fees	28,287.50	25,730.00
Interest/Gain Loss on Invest	2,203.36	1,589.94
Exam Fees	12,149.24	11,328.00
Reinstatement Fees	3,535.00	10,250.04
Miscellaneous	21,248.25	24,372.46
Reimbursement Income	67,569.13	3,459.80
TOTAL REVENUE	\$ 176,203.73	\$ 563,355.49
Expenses		
Background Checks	6,711.25	6,739.75
Banking Expenses	4,959.67	18,092.91
Dues & Registration	4,378.99	4,100.39
Equipment Repair	-	-
COMPUTER: Equipment/Software/Websites	15,314.14	15,627.97
Insurance	887.13	1,043.98
Legal & Professional	50,674.20	40,161.50
Operating Supplies	1,493.80	2,860.31
Printing & Copying	2,650.84	3,253.47
Postage	4,097.40	4,714.66
Casual Labor - Clerical Personnel	-	-
Office Salaries	103,497.79	133,956.88
Board Salaries	4,481.26	3,000.00
Workman's Compensation	505.29	1,946.00
Retirement - PERS	18,446.79	18,520.00
Employee Insurance - PEBP	18,627.40	19,374.39
Unemployment	1,102.95	2,263.35
Medicare & Social Security	1,658.69	3,239.61
Payroll Processing	442.00	453.89
Rent	14,086.44	14,788.21
Telephone	2,023.65	1,837.52
Travel	-	-
In State	3,201.75	4,793.05
Out State	6,213.24	4,077.40
TOTAL EXPENSES	\$ 265,454.67	\$ 304,845.24
NET RESULT	\$ (89,250.94)	\$ 258,510.25
BEGINNING CASH BALANCE 07/01/17	374,958.53	
NET OPERATING RESULT	285,707.59	

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 20 Review the report provided by the Executive Branch Audit Committee (EBAC) – For possible action.

RECOMMENDED MOTION: The CPBN is in compliance with the three elements identified by the Executive Branch Audit Committee. Based on the CPBN's current status in these areas I believe the Board can accept the recommendations by the EBAC.

PRESENTED BY: Julie Strandberg

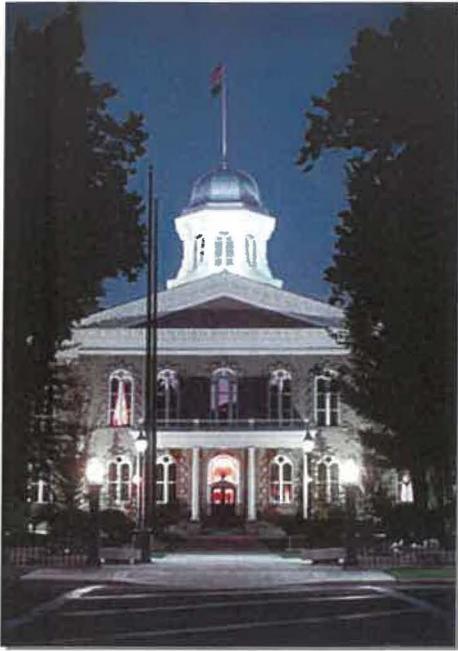
MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: All Boards' and Commissions' were tasked by the Executive Branch Audit Committee to provide information relative to staffing and salaries, legal support, and financial and administrative operations. The attached report is a compilation of the results of all Boards' and Commissions. Please see the Executive Branch Audit Committee report attached.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued



State of Nevada
Governor's Finance Office
Division of Internal Audits

Audit Report

**Boards and Commissions
Nevada's Independent
Licensing Boards**

Report No. 18-05
June 14, 2018

EXECUTIVE SUMMARY

Nevada's Boards and Commissions

Introduction.....page 1

**Objective: Improve Oversight of Nevada's
Independent Licensing Boards**

Comply with Statute and Guidelines for Salaries.....page 2

Complying with state statute and Executive Branch guidelines governing the salaries of executive directors and staff will ensure Nevada's independent licensing boards' (Boards) salaries are allowable by law and the level of compensation is consistent with similar positions within the state system.¹ State statute limits most state salaries to 95 percent of the Governor's (\$141,867). About 12 percent of executive director salaries reported did not comply with statute for fiscal year 2017.

One executive director employed part-time for one board and working as an independent contractor for two other boards was compensated \$194,000 in fiscal year 2017 and stands to make \$208,000 in fiscal year 2019. The three boards operate under a co-location and cost-sharing arrangement for facility and operating costs. The independent contractor status for two of the boards may not be valid as the executive director is doing the same work for all three boards. The executive director as an employee and independent contractor for multiple boards may not comply with NRS 622.220 as amended by AB328. The executive director represented that the combined duties for all three boards requires an average of about 45 hours per week. The three boards may have overpaid for executive director services in fiscal year 2017 by about \$85,000 or \$34 per license when compared to like services provided by full-time executive directors of other boards with similar key metrics.

In 2010 the Governor issued a memorandum that directed Board salaries to be equivalent to similar positions within the state system. About 65 percent of Boards reported they did not follow the Governor's directive. The Boards with the five highest reported executive director salaries in fiscal year 2017 were compared to a suggested top salary range of between about \$101,000 and \$132,000 for similar positions within the state system. The comparison indicates the five boards may have overpaid on average between \$28,000 and \$59,000 compared to similar positions within the state system. The Division of Human Resource Management has the expertise to provide guidance to the Boards in selecting similar state positions and its involvement would provide state oversight to the selection process.

Improve the Legal Support Framework.....page 11

Improving the legal support framework by:

- Using the Office of Attorney General (OAG) for a baseline level of legal support will ensure the OAG maintains awareness of the activities of Boards and that there is consistency among Boards' actions; and
- Evaluating the cost/benefit of using in-house salaried attorneys, OAG attorneys, or a combination of both may provide greater efficiency in legal costs. This will ensure Boards are incurring the least overall rate per hour for legal support and may realize cost savings in

¹ The titles of the Boards' senior operating/administrative executives vary and include, executive director, executive officer, executive secretary, secretary/treasurer and chief inspector. The title of executive director is used throughout to refer to these positions.

combined salaries and legal costs through better use of staff. Moreover, this may allow Boards to lower fees for some licensees.

Boards decide when to use OAG services; not all Boards use the OAG for legal support. Not using OAG services increases Board vulnerabilities in due process protections, including public meeting and administrative procedures law. The OAG is the state’s expert in due process protections and favors providing a baseline level of legal support for all Boards. Outside attorneys may not have OAG’s familiarity with due process protections. Based on a selection of nine boards with the least use of OAG services during fiscal years 2014 through 2017, the cost impact of a recommended baseline level of OAG legal support would be \$2,500 per year and between 0.4 and 10.7 percent of the basic renewal fee for those nine boards.

Outside counsel rates exceed in-house staff attorney rates indicating in-house staff attorneys are the most cost beneficial on a per hour basis if there is sufficient demand for in-house staff services. Boards may realize cost savings in combined salaries and legal costs through better use of an in-house attorney. The Nursing Board was able to eliminate the use of outside counsel and realize a savings of about \$47,000 in combined salary and legal costs for fiscal year 2017 by hiring an additional in-house attorney assigned with other administrative functions.

Establish Standards for Financial and Administrative Operation.....page 17

Department of Administration (D of A) establishing standards for financial and administrative operation of Boards will ensure there is a standard set of guidelines in place for Boards to follow.

Assembly Bill 328 amended NRS 622 and required the D of A to “adopt regulations establishing standards for the financial operation and administration of regulatory bodies.” Several deficiencies and/or inconsistencies in Boards’ financial and administrative practices were noted where setting standards could provide improved oversight by the state as follows:

- Compensation – Twenty-two of the thirty-four Boards reviewed did not follow the Executive Branch guidelines to consider similar state positions when establishing salaries for their staff; four Boards did not comply with statute to limit salaries to 95 percent of the Governor;
- Operating Reserves – Twenty-eight of the thirty-four Boards reviewed reported they had no formal policies in place for determining the adequacy of their operating reserves;
- Contract Approval – Twenty-five of thirty-three boards that reported executing contracts to provide professional services during fiscal years 2014 through 2017 executed at least one contract without the appropriate Board of Examiners approval; and
- Financial Reporting – Nine of thirty boards that filed audited financial reports under the provisions of NRS 218G.400 for at least one fiscal year between 2014 and 2017 did not comply with statute with respect to the basis of accounting and financial statement presentation.

Appendix A.....page 23
Scope and Methodology, Background, Acknowledgments

Appendix B.....page 28
Response and Implementation Plan

Appendix C.....page 69
Timetable for Implementing Audit Recommendations

INTRODUCTION

At the direction of the Executive Branch Audit Committee, the Division of Internal Audits conducted an audit of Nevada's Boards and Commissions.

We limited the scope of our audit to Nevada's 34 independent licensing boards (Boards) subject to Title 54 and exempt from the provisions of both the state's budget and personnel acts.¹ Our audit focused on the Boards' compensation policies and practices, the type and amount of costs incurred for legal support, and standards for financial and administrative practices. The audit's scope and methodology, background information, and acknowledgements are included in Appendix A.

Our audit objective was to develop recommendations to:

- ✓ Improve oversight of Nevada's independent licensing boards.

Independent Licensing Boards Response and Implementation Plans

We provided draft copies of this report to officials of the Boards and the Department of Administration (D of A) for their review and comments. Their comments have been considered in the preparation of this report and are included in Appendix B. Fourteen Boards provided written responses. Several Boards did not accept at least one of our recommendations. In general, Boards that did not accept recommendations asserted they were compliant or statutes noted in the report did not apply to them. In its response, the D of A accepted our recommendation. Appendix C includes a timetable for the D of A to implement the recommendation.

NRS 353A.090 specifies within six months after the final report is issued to the Executive Branch Audit Committee, the Administrator of the Division of Internal Audits shall evaluate the steps Boards and D of A have taken to implement the recommendations and shall determine whether the steps are achieving the desired results. The administrator shall report the six month follow-up results to the committee, Boards, and D of A.

The following report contains our findings, conclusions, and recommendations.

¹ Nevada Revised Statutes (NRS), Title 54, Professions, Occupations and Businesses, contains the NRS Chapters that provide the enabling legislation for the Boards, otherwise known as their individual practice acts.

Improve Oversight of Nevada's Independent Licensing Boards

Nevada's independent licensing boards (Boards) and the Department of Administration (D of A) can improve oversight by:

- Complying with statute and guidelines for salaries;
- Improving the legal support framework; and
- Establishing standards for financial and administrative operations.

Improving oversight will help ensure that financial and administrative practices are consistent across Boards. This will enhance efficiency and effectiveness of licensing and regulatory activities and ensure licensee fees are appropriate to fund Board operations.

Comply with Statute and Guidelines for Salaries

The Boards should comply with state statute and Executive Branch guidelines governing the salaries of their executive directors and staff.² Board compliance will ensure that salaries are allowable by law and the level of compensation for executive directors and staff is consistent with similar positions within the state system.

Some Board Executive Director Salaries Exceed Nevada Statutory Limits

Some Boards compensate their executive directors more than statute allows. Moreover, one essentially full-time executive director leading three part-time boards receives total compensation in excess of statutory limits.

Statute Limits Most State Salaries to 95 Percent of the Governor's

Section 1 of NRS 281.123, "Limitation on maximum salary payable to persons employed by State," limits the salary of a person employed by the state to 95 percent of the salary for the office of the Governor during the same period, with certain exceptions. Section 1 does not apply to dentists and physicians employed full-time by the state, officers and employees of the Nevada System of Higher Education, and salaries authorized by statute where the statute refers specifically to a position.

² The titles of the Boards' senior operating/administrative executives vary and include, executive director, executive officer, executive secretary, secretary/treasurer and chief inspector. The title of executive director is used throughout to refer to these positions.

About 12 Percent of Executive Director Salaries Did Not Comply with Statute

Four of the Boards, or about 12 percent, did not comply with statute for fiscal year 2017 for their executive director positions. Exhibit I shows the salaries in excess of statute for fiscal year 2017.

Exhibit I

Salaries in Excess of Statute

Board	Salary ¹	Excess over \$141,867 (95 Percent of Governor's) ²	
		Amount	Percent
Pharmacy	\$181,677	\$39,810	28.1%
Medical	\$161,491	\$19,624	13.8%
Contractors ³	\$159,967	\$18,100	12.8%
Accountancy	\$152,770	\$10,903	7.7%

Table Notes:

¹Board reported salaries converted to a PERS Employee/Employer equivalent salary for comparability.

²Governor's salary from Pay Policy 30 "Elected Officials" effective January 1, 2016.

³Contractors Board salary reduced by 8.1 percent to reflect a lesser benefit package for comparability.

Compliance with statute would ensure the Boards' executive directors are not paid over statutory limits. Compliance with salary limitations may allow some boards to evaluate lowering fees for licensees.

One Executive Director Working Part-Time for Three Boards Compensated \$194,000 – Stands to Make \$208,000

One executive director works part-time for three boards. The executive director is employed by one board and is contracted by two additional boards. Compensation from the three boards for their executive director was \$194,000 in fiscal year 2017. Exhibit II details the compensation for the executive director for fiscal year 2017.

Exhibit II

Compensation for Executive Director

Board	Compensation	Percent of Time Worked ¹	Number of Licenses	Number of Staff ²	Expenditures	Compensation as a Percent of Expenditures
Occupational Therapy ³	\$101,953	56%	1,201	1	\$216,065	47.2%
Environmental Health	\$19,800	11%	233	0	\$27,875	71.0%
Speech Pathology	\$72,000	33%	1,074	1	\$149,933	48.0%
Total	\$193,753	100%	2,508	2	\$393,873	49.2%

Table Notes:

¹Percent of time worked based on allocation reported by the boards' executive director.

²Part-time staff excluding the executive director.

³Compensation includes salary and leave and social security benefits.

Boards Approve Agreements for Compensation of \$208,000 in 2019

The current agreements approved by the three independent boards provide salary and other compensation totaling \$208,000 in 2019 for their executive director. Compensation includes salary and/or leave and social security benefits:

- Occupational Therapy – \$112,000;
- Environmental Health – \$ 24,000; and
- Speech Pathology – \$ 72,000.

This represents an additional 7.2 percent increase in compensation over fiscal year 2017.

Boards Operate Under a Co-Location and Cost-Sharing Arrangement

The Occupational Therapy Board leases office space that it shares with the Environmental Health and Speech Pathology boards under a co-location and cost-sharing arrangement. The arrangement allows these three small boards to share operating costs, thereby reducing overall costs for the three boards combined. Personnel costs are not subject to the agreement and are born by the individual boards.

One Executive Director as Independent Contractor for Multiple Boards May Not Comply with NRS 622.220 as Amended by AB328

One executive director is employed by one board and is an independent contractor for two other boards. This arrangement may not comply with NRS 622.220 as amended by Assembly Bill 328 (AB328) from the 2017 session because the executive director's independent contractor status may not be valid.

Section 4 of AB328 amends NRS 622.220 and prohibits a person from being employed by more than one board as an executive director or in a position with powers and duties similar to an executive director. However, AB328 is silent as to whether an individual may be employed by one board and independently contracted with other boards to serve in an executive director capacity.

Independent Contractor Status May Not Be Valid

The executive director's arrangement may be deemed an employer-employee relationship for all three boards and therefore may invalidate the independent contractor status for two of the boards. State Administrative Manual (SAM) 0320(3)(b) states that, "A person is not an independent contractor simply because there is an agreement designating him/her as such or because the employer permits him/her considerable discretion and freedom of action."

Also, the state contract form, "Contract for Services of Independent Contractor," provides that, "The State and Contractor shall evaluate the nature of services and the term of the Contract negotiated in order to determine 'independent contractor' status, and shall monitor the work relationship throughout the term of the Contract to ensure that the independent contractor status remains as such."

Executive Director is Doing the Same Work for the Three Boards in a Full-Time Capacity

The executive director represented there is no difference between the three boards with regard to the duties performed for each board or the level of control exercised by the respective board members over the executive director positions. Additionally, the written duties and responsibilities in the job descriptions are the same for the three boards.

Moreover, the executive director represented that the combined duties for all three boards requires an average of about 45 hours per week (see Exhibit II for the time allocation between the three boards). This approximates one full-time position.

The current independent contractor relationship with two of the boards may be in form only, while the substance of the relationship with all three boards may be that of employer-employee. If so, the relationship with the two boards would not comply with the provisions of NRS 622.220 (as amended by AB328).

The Three Boards Combined May Be Overpaying For Executive Director Services

The three boards may be overpaying for executive director services. In fiscal year 2017, the combined compensation of the three part-time positions may have resulted in overpaying for executive director services when compared to like services provided by full-time executive directors of other boards with similar key metrics.

For fiscal year 2017, there were four comparable boards (Architecture, Chiropractic, Physical Therapy, and Veterinary), each having a full-time executive director and similar key metrics of between 2,000 and 4,000 licenses or expenditures between \$300,000 and \$500,000.

Exhibit III details the comparison of the compensation for like services between the three part-time boards with one executive director and the average of the four individual boards each with full-time executive directors.

Exhibit III

Cost of Like Services Comparison

Board	Compensation	Number of Licenses	Number of Staff ¹	Expenditures	Compensation as a Percent of Expenditures
Combined Part-Time Boards ²	\$193,800	2,508	2	\$393,900	49.2%
Average Full-Time Boards ^{3,4}	\$109,100	2,444	4	\$495,000	22.0%
Difference	\$84,700				

Table Notes:

¹Full-time and par-time staff excluding the executive director position.

²Reported compensation adjusted for leave and social security benefits provided by Occupational Board.

³Average full-time salaries increased by 35 percent for comparability, to reflect total compensation including the cost of state provided benefits package.

⁴Individual full-time compensation of the four comparative boards ranged from about \$101,400 to \$118,800, inclusive of 35 percent benefits package.

For fiscal year 2017, the three part-time boards with one executive director may have overpaid about \$84,700 for like services when compared to the average of boards with a full-time executive director and similar key metrics. The potential overpayment amounts to about \$33.77 per license (\$84,700 / 2,508).

Three-Board Arrangement Compared to Full-Time Boards

Comparing the three-board arrangement to the average of all boards with a full-time executive director shows inconsistencies between licenses, expenditures, and compensation. The three-board arrangement:

- Serves 26 percent of the average number of licenses for full-time boards;³
- Incurs 31 percent of the average expenditures for full-time boards;⁴ and
- Pays 137 percent of the average executive director compensation for full-time boards.⁵

Source: Exhibit XII, page 26;

³ Licenses: 2,508 / 9,723 = 25.8 percent.

⁴ Expenditures: \$394,000 / \$1,267,000 = 31.1 percent.

⁵ Compensation: \$193,800 / \$141,100 = 137.3 percent. \$141,100 = average salary \$104,500 plus estimated benefits of 35 percent added for comparability.

Governor Issued Memorandum for Board Staff Compensation

On October 7, 2010, the Governor issued a memorandum directing Boards to comply with NRS 281.123 (salary limitation) and ensure salaries are equivalent to similar positions within the state system.

Boards Directed to Ensure Salaries Equivalent to Similar Positions within the State System

The Governor's memorandum directed Boards to comply with the following guideline, "To the extent that positions are comparable to those in the classified or unclassified service of the state, salaries for Board...staff should be equivalent to that of a similar position within the state system."

About 65 Percent of Boards Did Not Follow the Governor's Direction for Staff Salaries

For fiscal year 2017, 22 of the Boards or about 65 percent did not follow the Governor's memorandum that Board salaries be equivalent to similar positions within the state system, especially for executive director positions. During fiscal years 2014 through 2017, eight or about 24 percent of the Boards reported they performed some sort of compensation study to set the salary of their executive director.

However, not all the compensation studies compared the executive director positions with similar positions within the state system. Boards chose instead to compare their executive director position to other Nevada boards, Nevada municipalities, and out-of-state boards and governmental entities. These entities, in general, pay higher salaries than the state system.

Board Positions Paid More Than Similar State Positions

Some Board positions are paid more than similar positions in the state system. These positions include the executive director-level as well as other, subordinate positions.

We selected the five boards with the highest reported salaries for their executive directors in fiscal year 2017 to compare to similar positions within the state system. Exhibit IV lists the five boards' executive director's salaries and key metrics.

Exhibit IV

Five Highest Salaries for Fiscal Year 2017

Board	Salary¹	Number of Licenses	Number of Staff	Expenditures	Compensation as a Percent of Expenditures
Pharmacy	\$181,677	48,578	4	\$2,957,406	6.1%
Medical	\$161,491	15,315	35	\$4,372,444	3.7%
Contractors ²	\$159,967	16,611	61	\$7,101,911	2.3%
Accountancy	\$152,770	4,001	8	\$631,210	24.2%
Dental	\$141,798	5,520	6	\$1,155,678	12.3%
Average	\$159,540	18,005	23	\$3,243,730	5.0%

Table Notes:

¹Board reported salaries converted to a PERS Employee/Employer equivalent salary for comparability.

²Contractors Board salary reduced by 8.1 percent to reflect a lesser benefit package for comparability.

Similar Positions within the State System
Selected to Provide a Range for Comparison

Nevada’s personnel system includes a wide range of classified and unclassified positions and related pay schedules that may be used to determine similar positions within the state system for all Board staff. The unclassified positions serve at the pleasure of the hiring authority, similar to the Boards’ executive directors who serve at the pleasure of their respective boards.

Five unclassified positions were selected to provide a range of similar positions for comparison to the executive directors of the five boards with the highest executive director salaries. Four positions were selected based on similar qualifications and level of responsibility in agencies with a commission or board having regulatory authority of an industry, profession or occupation that is funded primarily by fees. The Pharmacist 3 position was selected based on qualifications and level of responsibility in an agency that provides medical services statewide. Exhibit V summarizes the key metrics for the selected similar state positions.

Exhibit V

Selected Similar State Positions

Position/ Agency	Maximum Salary ¹	Responsibility Level	Regulatory Authority	Funding Source	Fiscal Year 2017	
					Expenditures	# Staff
Director, Business & Industry (B&I)	\$131,578	Overall operations for one of the largest, most complex departments in the state	19 boards and commissions that regulate various industries, occupations and professions	Fees, appropriations and grants	\$93.5 million	679
Executive Director, Public Utilities Commission of Nevada (PUCN)	\$120,564	Overall financial and administrative operations for one of the largest regulatory commissions in the state	400 public utility companies and 100 mobile radio service providers	Fees	\$11.2 million	96
Administrator, B&I Real Estate Division (RED)	\$100,858	Overall administrative operations for one of B&I's larger commissions	50,000 real estate brokers, agents, appraisers, timeshares, property managers and home owners associations	Primarily fees and limited appropriations	\$6.3 million	54
Administrator, B&I Taxi Cab Authority (TCA)	\$117,699	Overall administrative operations for one of B&I's larger boards	3,500 taxicabs and 8,000 permits in Clark County	Fees	\$6.3 million	69
Pharmacist 3	\$124,109	Overall operations of pharmacy for a department that provides medical services statewide	-	-	-	-

Table Note:

¹Reflects unclassified PERS Employee/Employer equivalent salary for comparability.

Some Boards May be Overpaying for Executive Director Services When Compared to Similar Positions within the State System

Comparison of the average of the five boards with the highest executive director salaries to the high and low range for similar positions indicates the boards may have overpaid, on average, between \$28,000 and \$59,000 when compared to similar positions within the state system.⁶ The potential overpayment amounts to between 18 and 37 percent of the salary paid, which is between 0.9 and 1.8 percent of expenditures, or between \$1.56 and \$3.28 per license for those five boards.

⁶ \$27,962 ≈ Average salary of \$159,540 – (highest similar salary of \$131,578).
\$58,682 ≈ Average salary of \$159,540 – (lowest similar salary of \$100,858).

Suggested Ranges for Executive Director Compensation

Based on our comparison of salary, qualifications, responsibilities, authority, and budget, the top salary of full-time executive directors of Nevada's independent regulatory boards should range between approximately \$101,000 and \$132,000 depending on the complexity of the board. Part-time executive directors should be compensated accordingly based on an hourly equivalency and the number of hours worked.

Pharmacy Board May Require Additional Evaluation

The Pharmacy Board requires that its executive director be a licensed pharmacist and may require more pharmacy specific and medicine related managerial experience than is required from a state agency director. Accordingly, the Pharmacy Board's executive director position may require further evaluation to determine if it should fall within the suggested range.

Division of Human Resource Management Has Expertise to Provide Direction

Boards are exempted from the state personnel act under the provisions of NRS 284.013 and consequently may not have sufficient expertise or familiarity with the state's personnel system classifications to select similar positions within the state system for salary comparability. Additionally, without state involvement in the selection process, no oversight by the state would exist. The Division of Human Resource Management (DHRM) has the expertise to provide direction which would bring state involvement to the selection process.

DHRM represents that it could bring state involvement to the selection process by providing formal oversight if given the executive or legislative authority. This would not require the Boards to be subject to the provisions of Chapter 284.

Conclusion

Complying with state statute and Executive Branch guidelines governing the salaries of their executive directors and staff will ensure that salaries are allowable by law and the level of compensation for executive directors and staff is consistent with similar positions within the state system.

Recommendation

1. Comply with statute and guidelines for salaries.

Improve the Legal Support Framework

Boards should improve their legal support framework by:

- Using the Office of the Attorney General (OAG) for a baseline level of legal support; and
- Evaluating the cost/benefit of using in-house salaried attorneys, OAG attorneys, or a combination of both.

Using the OAG for a baseline level of legal support will ensure the OAG maintains awareness of Board activities and there is consistency among Board actions.

Evaluating the cost/benefit of using in-house salaried attorneys, OAG attorneys, or a combination of both may provide greater efficiency in legal costs. This will ensure Boards are incurring the least overall rate per hour for legal support and may realize cost savings in combined salaries and legal costs through better use of staff. This may allow lower fees for some licensees.

Overview of Legal Activity

For the four fiscal years 2014 through 2017, Boards reported they received legal support from four sources:

- In-house Staff – Attorneys employed full-time by the Boards and paid an annual salary;
- In-house Contract – Attorneys employed part-time by the Boards and paid an hourly rate for time worked on board business;
- OAG – Deputy Attorneys General (DAGs) assigned to the Boards from the Boards and Open Government Division of the OAG; and
- Outside Counsel – Attorneys retained by the Boards as independent contractors and paid an hourly rate for hours billed. The contracts must be submitted to the Clerk of the Board of Examiners (BOE) for approval if \$2,000 or more.

Exhibit VI lists the breakdown of legal costs by source for fiscal years 2014 and 2017.

Exhibit VI

Breakdown of Legal Costs

Legal Costs by Source										
Description	In-House Staff ³		In-House Contract		OAG		Outside Counsel		Total Costs	
	2014	2017	2014	2017	2014	2017	2014	2017	2014	2017
Amount (in \$Thousands)	\$554.4	\$794.0	\$141.7	\$147.3	\$236.4	\$398.1	\$807.0	\$780.9	\$1,739.5	\$2,120.3
Percent of Total Board Legal Costs	32%	37%	8%	7%	14%	19%	46%	37%	100%	100%
Boards Using Source	3	4	7	9	31	31	7	11		
Board Positions for Source	4	7	9	10						
Boards Using 100% OAG					20	16				
Boards Using Partial OAG					11	15				
Percent of Total Board Expenditures ¹	2.2%	2.6%	0.6%	0.5%	0.9%	1.3%	3.2%	2.6%	6.8%	7.0%

Legal Costs by Hourly Rate												
Year	In-House Staff ³			In-House Contract			OAG ²			Outside Counsel		
	Hi	Lo	Avg	Hi	Lo	Avg	Hi	Lo	Avg	Hi	Lo	Avg
2014	\$79	\$64	\$71	\$175	\$120	\$130	All	\$152		\$259	\$160	\$214
2017	\$87	\$66	\$76	\$175	\$100	\$138	All	\$154		\$288	\$100	\$223

Table Notes:

¹Total expenditures were \$25.5 million in 2014 and \$30.4 million in 2017.

²OAG bills boards at an hourly rate for time worked on board business. OAG billing rates are set each fiscal year and are the same for all boards.

³Amounts and rates for In-house staff includes reported salary plus 35 percent for estimated benefit costs.

Use OAG for Baseline Level of Legal Support

Boards should use the OAG for a baseline level of legal support. This will help ensure that the OAG maintains awareness of Board activities and legal vulnerabilities and there is consistency among Board actions.

Not All Boards Used the OAG for Legal Support

Not all Boards used the OAG for legal support in recent years. Six Boards reported that they did not use the OAG for legal support for at least one full fiscal year during the four fiscal years 2014 through 2017. State oversight could be improved if the Boards used the OAG for a baseline level of legal support. This will help ensure the OAG maintains awareness of Board activities and Board actions are consistent and in compliance with statute.

Boards Decide When to Use OAG Services

The OAG represents a DAG is assigned to every Board. It is the Board's decision whether or not to request OAG services. The OAG does not have authority to provide services or be involved in Board activities unless requested. Further, the OAG represents the only instances when Boards are required to request OAG services are the Board seeks a formal OAG opinion or the Board seeks an OAG review of an independent contract. Beyond these requirements, the use of OAG services to act as legal counsel is entirely at the discretion of the Boards.

Not Using OAG Services Increases Board Vulnerabilities

Boards may be vulnerable if they do not request the services of the OAG to act as legal counsel, especially with regard to compliance with public meeting and administrative procedures laws. These laws exist to provide transparency and due process protections to both the public and the Boards' licensees. If the OAG does not regularly act as legal counsel for Boards, especially when Boards hold open meetings, the OAG will not have a continuing awareness of the Boards' adherence to transparency and due process protections. Boards that do not adhere to open meeting and administrative practices law may expose the Board, and by extension the state, to significant legal liability.

The OAG represents that there have been instances when Boards have been sued for failure to follow public due process protections. In these instances, it was necessary for Boards to provide costly legal defense for actions that could have been prevented.

Outside Attorneys May Not be Familiar with Due Process Protections

Both the OAG and in-house staff counsel expressed concerns about outside attorneys retained by the Boards to act as legal counsel for the Boards during open meetings. One concern is outside attorneys may not be familiar with public due process protections, even though they may be experts on the requirements of the Boards' individual practice acts. Another concern is that interpretations of open meeting and administrative practice laws may not be consistent when made by outside attorneys that do not have the benefit of common training. A third concern is outside attorneys are retained and paid directly by Boards, which creates attorney-client relationships that may encourage legal advice to be more aligned with Boards' interests, without consideration of the state's interests.

OAG is the State Expert in Due Process Protections

The OAG is the state expert in due process protection. The OAG exists for the protection of the state and its citizens and is the default legal counsel for all state agencies who are funded through appropriations from the state's general fund. Many of these agencies are regulatory boards and commissions subject to the same open meeting and administrative practices laws as Boards. In this role, the OAG serves to protect the due process rights of the public as well as the interests of the state. The DAGs assigned to Boards receive the same training on requirements of open meeting and administrative practices laws in order to ensure their individual interpretations are consistent and in conformance with guidelines established by the OAG. Additionally, DAGs have dual responsibilities as

advocates for Boards and as protectors of the state's interests when the Boards' interests may be in conflict with the state's interests.

OAG Favors Baseline Level of Legal Support for all Boards

The OAG favors a baseline level of support that includes providing legal counsel for Boards during open meetings. This would ensure transparency and the public's due process protections are adhered to and applied consistently among Boards. In addition, it ensures the OAG maintains a continuing involvement with Boards to improve the level of legal support and oversight of regulatory activities.

Cost Impact of OAG Baseline Level of Legal Support

By receiving OAG counsel, Boards may be subject to increased costs to pay for the baseline level of support. Boards are funded by license fees and do not receive general fund appropriations. The OAG bills for services at its established billing rate, which Boards pay from their operating revenues.

The minimum cost of receiving the recommended baseline level of legal support for a Board that meets quarterly is estimated at about \$2,500 each fiscal year.⁷ For the four fiscal years 2014 through 2017, nine boards reported less than \$2,500 per year in average OAG billings.⁸ Exhibit VII shows the impact on Boards that spent less than \$2,500 for OAG support.

Exhibit VII

Cost Impact of Baseline Legal Support

Description	Range ¹	
	High Impact	Low Impact
Average Active Licenses (Fiscal Years 2014 – 2017)	234	2,301
Basic License Renewal Fee (Fiscal Year 2017)	\$100	\$250
Impact of Additional Legal Costs of \$2,500:		
Increased Cost Per Active License	\$10.68	\$1.09
As a Percent of Basic Renewal Fee	10.7%	0.4%

Table Notes:

¹Highest = Environmental Board; Lowest = Veterinary Board.

The estimated impact on the nine Boards of an additional \$2,500 in legal costs would range from 0.4 percent to 10.7 percent of the basic annual renewal fee.

⁷ Minimum cost is estimated as four meetings at four hours per meeting for preparation, attendance, and post meeting work. This amounts to 16 billable hours per year at \$154 per hour, or about \$2,500 per year.

⁸Accounting, Athletic Trainers, Barbers, Chiropractic, Optometry, Podiatry, Engineers, Environmental, and Veterinary Boards.

Evaluate Cost/Benefit of Attorney Choices

Boards should evaluate the cost/benefit of their choices for attorneys and legal support. More efficient choices could reduce legal costs and may allow some Boards to reduce fees for licenses.

In-House Staff Attorneys Most Cost Beneficial

The use of in-house staff attorneys is the most cost beneficial choice on a per hour basis when compared to outside counsel if there is sufficient demand for in-house staff services. Boards should evaluate the cost/benefit of using in-house staff attorneys in conjunction with the OAG for legal support. This will ensure Boards are incurring the least overall rate per hour for legal support services. In addition, Boards may realize cost savings in combined salaries and legal costs through better use of an in-house attorney assigned other administrative functions. However, based on demand for legal services, it may be more cost beneficial to use outside counsel for a limited number of hours.

Outside Counsel Rates Exceed In-House Staff Rates

On average, the hourly rate for outside counsel exceeds the hourly rate for in-house staff attorneys. Exhibit VIII shows the hourly rate comparison for legal support.

Exhibit VIII

Hourly Rate Comparison for Legal Support

Year	In-House Staff	In-House Contract			OAG			Outside Counsel		
	Rate	Rate	Dollar Diff	Percent Diff	Rate	Dollar Diff	Percent Diff	Rate	Dollar Diff	Percent Diff
2017	\$76 ¹	\$138	\$62	82%	\$154	\$78	103%	\$223	\$147	193%

Table Note:

¹Rate includes reported salary plus 35 percent for estimated benefit costs.

On average, the hourly rate for outside counsel exceeded that of in-house staff by \$147 per hour or about twice the cost during fiscal year 2017.

Nursing Board Provides a Cost/Benefit Example

The Nursing Board provides a cost/benefit example of employing in-house attorneys. In fiscal year 2015, the Nursing Board's legal support was provided by a combination of one in-house staff attorney, OAG attorneys, and outside counsel. In fiscal year 2016, the Nursing Board reorganized its operations by hiring an additional full-time in-house attorney and assigning some administrative functions

to their legal staff in addition to direct legal support. This allowed the Nursing Board to eliminate the use of outside counsel for fiscal year 2017, thereby reducing the hourly cost by about five percent and total legal costs by \$47,000.

Conclusion

Improving the legal support framework by:

Using the OAG for a baseline level of legal support will ensure the OAG maintains awareness of the activities of Boards and that there is consistency among Boards' actions.

Evaluating the cost/benefit of using in-house salaried attorneys, OAG attorneys, or a combination of both may provide greater efficiency in legal costs. This will ensure Boards are incurring the least overall rate per hour for legal support and may realize cost savings in combined salaries and legal costs through better use of staff. Moreover, this may allow Boards to lower fees for some licensees.

Recommendations

2. Use the OAG for a baseline level of legal support.
3. Evaluate the cost/benefit of using in-house salaried attorneys in combination with the OAG for legal support.

Establish Standards for Financial and Administrative Operation

The Department of Administration (D of A) should establish standards for financial and administrative operation of Boards. This will ensure that there is a standard set of guidelines in place for Boards to follow.

Establishment of Standards Required by Statute

Assembly Bill 328 (AB328) amended NRS 622 and required the D of A to “adopt regulations establishing standards for the financial operation and administration of regulatory bodies.” Prior to this legislation, Boards typically adopted their own regulations. AB328 was intended to enable the D of A to address and adopt regulations for a basic set of standards for Boards. Boards that already meet the standards in their regulations would continue to operate as normal.⁹

Financial and Administrative Practices Need Standards

Several deficiencies and/or inconsistencies in Boards’ financial and administrative practices were noted where setting standards could provide improved oversight by the state. These practices include: compensation, operating reserves, contract approval, and financial reporting. Each section below outlines the deficiencies and/or inconsistencies noted and potential standards for each area where the state could improve oversight.

Compensation

Twenty-two of the Boards did not follow the Executive Branch guidelines to consider similar state positions when establishing salaries for their staff and four Boards did not comply with statute to limit salaries to 95 percent of the Office of the Governor.

The D of A could consider codifying as a standard, the Executive Branch guideline that Board positions should be equivalent to similar positions within the state system. The standard could establish the state equivalent salary range for each Board position that Boards should not exceed, thereby allowing Boards to manage their personnel costs within the ranges established.

The standard could include the authority for the Division of Human Resource Management (DHRM) to provide the necessary expertise and guidance to Boards in evaluating their staff positions and determining the appropriate similar position within the state system.

⁹ March 24, 2017 Assembly Committee on Commerce and Labor minutes, pages 9-11.

By establishing compensation standards, the state's oversight of Boards will be improved by ensuring compensation levels are comparable to similar state positions and comply with statute.

Operating Reserves

Twenty-Eight of the Boards reported they had no formal policies in place for determining the adequacy of their operating reserves. In general, Boards reported they considered their cash position, expected revenues, and operating expenses as part of their current period financial planning and review process. The Boards did not consider whether the on-hand reserve balances were deficient or excessive. Not having an established reserve standard to determine whether the reserve is deficient or excessive may impact the financial stability of the Boards. If the reserves are too low, Boards may not be able to cover operating expenses, or if too high, Boards may be overcharging for license fees.

Exhibit IX lists the Boards' operating reserve calculations for fiscal year 2017.

Exhibit IX

Board Reserve Calculations

Board	Fund Balance ¹	Deferred Fees ¹	Calculated Reserve ^{2,4}	Monthly Expenditures ¹	Reserve Ratio (in months) ³
Homeopathic	(\$132,525)	\$0	\$12,561	\$4,620	2.7
Investigators	\$404,182	\$238,780	\$642,962	\$125,267	5.1
Social Workers	\$160,787	\$25,300	\$186,087	\$33,312	5.6
Marriage	\$37,822	\$60,900	\$98,722	\$13,931	7.1
Cosmetology	(\$332,372)	\$1,802,599	\$1,470,227	\$198,649	7.4
Petroleum	\$276,607	\$0	\$276,607	\$31,560	8.8
Alcohol, Drug	\$207,795	\$0	\$207,795	\$19,756	10.5
Massage	\$411,027	\$349,947	\$760,974	\$64,940	11.7
Architecture	\$617,913	\$233,250	\$851,163	\$66,534	12.8
Opticians	\$84,582	\$54,310	\$138,892	\$10,723	13.0
Physical Therapy	\$359,188	\$108,340	\$467,528	\$35,410	13.2
Funeral	\$291,713	\$39,523	\$331,236	\$23,496	14.1
Pharmacy	\$1,312,578	\$2,278,375	\$3,590,953	\$246,451	14.6
Speech	\$134,840	\$60,992	\$195,832	\$12,494	15.7
Psychological	\$83,446	\$208,085	\$291,531	\$18,460	15.8
Contractors	\$7,074,057	\$2,451,685	\$9,525,742	\$591,826	16.1
Veterinary	\$429,057	\$161,700	\$590,757	\$34,729	17.0
Medical ⁵	\$4,465,176	\$1,780,527	\$6,245,703	\$364,370	17.1
Environmental	\$40,172	\$0	\$40,172	\$2,323	17.3
Osteopathic	\$1,035,552	\$0	\$1,035,552	\$54,697	18.9
Oriental	\$135,101	\$0	\$135,101	\$6,691	20.2
Chiropractic	\$233,238	\$370,853	\$604,091	\$28,330	21.3
Landscape	\$74,224	\$59,485	\$133,709	\$6,150	21.7
Court Reporters	\$83,451	\$66,375	\$149,826	\$6,531	22.9
Accountancy	\$1,094,560	\$240,450	\$1,335,010	\$52,601	25.4
Barbers	\$124,156	\$46,554	\$170,710	\$6,597	25.9
Long-Term Care	\$268,135	\$72,377	\$340,512	\$12,952	26.3
Nursing	\$5,075,459	\$1,903,443	\$6,978,902	\$248,657	28.1
Dental	\$1,406,722	\$1,371,390	\$2,778,112	\$96,307	28.8
Optometry	\$428,298	\$139,283	\$567,581	\$19,703	28.8
Engineers	\$2,224,428	\$0	\$2,224,428	\$69,159	32.2
Athletic Trainers	\$89,402	\$0	\$89,402	\$2,634	33.9
Podiatry	\$164,608	\$20,803	\$185,411	\$5,340	34.7
Occupational	\$668,907	\$183,347	\$852,254	\$18,005	47.3 ⁶
Average	\$853,891	\$421,432	\$1,279,590	\$74,506	17.2

Table Notes:

¹Source: Audited Financial or Balance Sheet Reports submitted per NRS 218G.400, or internal financial statements for the 2017 fiscal year. The Fund Balance is essentially a board's cash position plus or minus any assets or liabilities that are considered within the immediate revenue cycle of the board. The Fund Balance does not include cash received for Deferred Fees, which are generally license fees collected in advance of the license period. The Deferred Fees amount is added back to the Fund Balance as it represents cash on hand not included in the Fund Balance.

²Calculated Reserve = Fund balance plus deferred fees.

³Reserve Ratio = Reserve in Months = Calculated Reserve / Average Monthly Expenditures

⁴Calculated reserve for Homeopathic Board adjusted for \$145,086 in legal fees owed to the Office of the Attorney General that was included in the deficit fund balance of \$132,525 at June 30, 2017.

⁵Medical Board reports are calendar year instead of fiscal year. Amounts are from the December 31, 2016 audited financial reports.

⁶On March 24, 2018, Occupational Board changed the license term from one to two years without an increase in fee.

Reserve ratios for fiscal year 2017 varied greatly among the Boards: 8 boards or 24 percent have reserves less than 12 months; 16 boards or 47 percent have reserves between 12 and 24 months; and 10 boards or 29 percent have reserves over 24 months. The average reserve ratio for all Boards was 17.2 months.

Board Reserve Calculations Will Vary

In establishing an appropriate reserve, no one standard or benchmark may be applied to all Boards. Different factors affect each Board's operations.¹⁰ A reserve of 3 - 6 months as the low end and 24 months as the high end may be considered an appropriate range for establishing a reserve.

Boards should make it a top priority to develop a reserve policy that defines reserve requirements, reserve calculation, and factors used in the reserve calculation. Factors that may be considered in establishing a reserve include: revenue cycle, normal operating expenses, and contingency costs.

The D of A could consider codifying the standard that Boards develop an adequate reserve requirement and provide general guidelines as to the method of calculation, factors to consider, and the timing of preparing and monitoring of the reserve status.

By establishing reserve requirement standards, the state's oversight of Boards will be improved by ensuring Boards maintain the financial stability of their operations while at the same time limiting the fees charged for licenses.

Contract Approval

Thirty-three boards reported executing contracts to provide professional services during fiscal years 2014 through 2017. Twenty-five or 76 percent of these executed at least one contract without approval from the Board of Examiners (BOE) for contracts exceeding \$50,000 or Clerk of the Board for contracts for \$2,000 and above.

Exhibit X lists contracts executed without BOE approval.

¹⁰ Whitepaper, Nonprofit Operating Reserves Initiative Workgroup, September 2008.

Exhibit X

Contracts Executed without BOE Approval

Type of Service	Number Reported		Number Not Approved		Non-Compliance Rate ¹	
	Boards	Contracts	Boards	Contracts	Boards	Contracts
Outside Counsel	19	24	4	6	33%	35%
Audit	28	32	19	20	68%	63%
Lobbyist	25	30	8	8	32%	27%
Accounting	12	12	8	8	68%	68%
Executive Director	7	7	3	3	43%	43%
Hearing Officer	2	2	1	1	50%	50%
Investigator	1	1	0	0	-	-
Examination	1	2	1	1	100%	100%
Total	33	110	25	48	76%	44%

Table Note:

¹Non-Compliance Rate equals Number Not Approved / Number Reported.

The high non-compliance rates may be because Boards do not understand they are subject to the provisions of NRS 333, "State Purchasing" and the State Administrative Manual (SAM). By not receiving proper approval executing contracts for professional services, Boards, and by extension the state, may not be adequately protected from liability.

The D of A could consider codifying the standard that Boards are subject to the provisions of NRS Chapter 333 and SAM for the execution of contracts. This would provide clear guidance to Boards and help eliminate misunderstandings or misinterpretations.

Following the BOE approval process will ensure appropriate reviews by Boards, DAGs, and the Budget Division. Establishing contract approval standards will improve the state's oversight of Boards and ensure they comply with state guidelines and protect Boards and the state from liability exposure.

Financial Reporting

Board financial reporting is inconsistent and not comparable. Thirty boards filed audited financial reports under the provisions of NRS 218G.400 for at least one fiscal year between 2014 and 2017. Nine or 30 percent of these boards filed audited financial reports that did not comply with statute with respect to the basis of accounting and financial statement presentation.

Section three of NRS 218G.400 states in part that, "...all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds." Accounting principles and standards for special revenue funds require that they be accounted for and presented as "Governmental Funds."¹¹ For the nine non-compliant boards, their audited financial reports were accounted for and presented as "Proprietary Funds."

¹¹ Governmental Accounting Standards Board (GASB) Statement No. 34, paragraph 405.

The Governmental Funds basis of accounting and presentation is the same as for state's General Fund so the financial reports for the boards that follow this basis of accounting are comparable to other state agencies that are funded by governmental funds.

The Proprietary Funds basis of accounting and presentation is generally the same as that used by a commercial enterprise that provides goods or services in exchange for a fee.

Generally, Board management and their auditors represented that they were not aware of the statutory requirement of NRS 218G.400 that the financial reports be prepared as if Boards were special revenue funds. Without that statutory requirement, the governmental accounting standards might be interpreted that either method of accounting and presentation is acceptable.

The D of A could consider codifying a standard that Boards are required to prepare and file audited financial statement reports in compliance with NRS 218G.400 using the Governmental Funds basis of accounting and presentation. This would provide clear guidance to the Boards and help eliminate misunderstandings or misinterpretations.

By establishing a financial reporting standard, the state's oversight will be improved by ensuring Boards comply with statute and financial information presented by Boards is consistent and comparable.

Conclusion

Department of Administration establishing standards for financial and administrative operation of Boards will ensure there is a standard set of guidelines in place for Boards to follow.

Recommendation

4. Establish standards for financial and administrative operation of Boards.

Appendix A

Scope and Methodology, Background, Acknowledgements

Scope and Methodology

We began the audit in September 2017. During the course of fieldwork, we interviewed management and staff of Nevada's independent licensing boards (Boards); Office of the Governor, Budget Division (Budget); Office of the Attorney General (OAG); Department of Administration (D of A), Division of Human Resource Management (DHRM), Purchasing Division (Purchasing); Department of Business and Industry (B&I); Public Utilities Commission of Nevada (PUCN); Legislative Council Bureau (LCB); Government Accounting Standards Board (GASB); and several of the Boards' external audit firms (Auditors).

We requested and obtained information from Boards for fiscal years 2014 through 2017 (previous two biennia). We reviewed policies and documents related to Board financial, personnel, professional services, and legal costs. We reviewed applicable NRS, NAC, SAM sections, Executive Branch directives, and state personnel policies and practices.

We concluded fieldwork in May 2018.

We conducted our audit in conformance with the *International Standards for the Professional Practice of Internal Auditing*.

Background

Nevada's Boards and Commissions Overview

Nevada's Boards and Commissions help Nevada citizens to have direct access to their government and to participate in shaping public policy. Board or Commission members are generally appointed or confirmed by the Governor. Membership requirements are outlined in their enabling legislation and are usually narrowly defined and often include requirements to ensure political or geographic diversity. Most of the Boards and Commissions are created pursuant to federal law, state legislation, or executive order and each plays a different role in state government. Boards and Commissions may provide oversight of an Executive Branch agency, act in an advisory capacity to a policy making body, or regulate an industry, profession or occupation, either under the umbrella of an Executive Branch agency or as an independent regulatory body. As of September 2017, the Office of the Governor listed over 200 active Boards and Commissions.

Occupational and Professional Licensing

Nevada regulates many types of businesses, occupations, and professions. Most laws pertaining to regulating Boards are found in Title 54, "Professional, Occupations and Businesses" of NRS, which contains provisions governing more than 50 professions, occupations, and businesses. Most occupations or professions are regulated by independent licensing boards. Other occupations regulated through state agencies. As regulatory bodies, independent licensing boards are mandated to enforce provisions of state law for the protection and benefit of the public.

Creation and Operation of Independent Boards

The Legislature creates independent licensing boards and sets public policy governing them through their individual practice acts. These independent boards are given the authority to adopt regulations regarding licensing and practice of the occupation or profession they were created to oversee, subject to review by the Legislature.

Independent boards are funded by fees charged to their licensees and do not receive state general fund support. Boards receive no general fund appropriations; therefore, their fiscal activity is not included in and does not affect the state's Executive Budget. Accordingly, independent boards are exempt from the provisions of the state's budget act, NRS Chapter 353 "State Financial Administration". Further, independent boards maintain their own accounting and payroll systems, hire their own staff, and are also exempt from the state's personnel act, NRS Chapter 284, "State Personnel System".

Boards Selected for Audit

There are 34 independent licensing boards that are exempt from the state's budget act under the provisions of NRS 353.005. However, under the provisions of NRS 218G.400, these same boards are required to submit financial accounting documents to the LCB and Budget Division in the form of audited financial reports or balance sheets each fiscal year.¹² In addition, NRS 218G.400 allows the LCB to audit any of the exempt boards when directed to do so by the Legislative Commission.

¹² Audited financial reports are required for boards with revenues of less than \$75,000 (\$200,000 after fiscal year 2017), otherwise self-prepared balance sheet reports in the format designated by the LCB must be submitted.

Exhibit XI lists the Boards selected for this audit.

Exhibit XI

Selected Board Titles, Authority and Number of Members

Statutory Title	Short Title	Creating Authority	Board Members
Nevada State Board of Accountancy	Accountancy	NRS628.035	7
Board of Examiners for Alcohol, Drug and Gambling Counselors	Alcohol, Drug	NRS641C.150	7
State Board of Architecture, Interior Design and Residential Design	Architecture	NRS623.050	9
Board of Athletic Trainers	Athletic Trainers	NRS640B.170	5
State Barbers' Health and Sanitation Board	Barbers	NRS643.020	4
Certified Court Reporters' Board of Nevada	Court Reporters	NRS656.040	5
Chiropractic Physicians' Board of Nevada	Chiropractic	NRS634.020	7
State Contractors' Board	Contractors	NRS624.040	7
State Board of Cosmetology	Cosmetology	NRS644.030	7
Board of Dental Examiners of Nevada	Dental	NRS631.120	11
Board of Dispensing Opticians	Opticians	NRS637.030	5
Nevada Funeral and Cemetery Services Board	Funeral	NRS642.020	7
Board of Homeopathic Medical Examiners	Homeopathic	NRS630A.100	7
State Board of Landscape Architecture	Landscape	NRS623A.080	5
Board for the Regulation of Liquefied Petroleum Gas	Petroleum	NRS590.485	6
Board of Examiners for Long-Term Care Administrators	Long-Term Care	NRS654.050	7
Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	Marriage	NRS641A.090	9
Board of Massage Therapists	Massage	NRS640C.150	7
Board of Medical Examiners	Medical	NRS630.050	9
State Board of Nursing	Nursing	NRS632.020	7
Board of Occupational Therapy	Occupational	NRS640A.080	5
Nevada State Board of Optometry	Optometry	NRS636.030	4
State Board of Oriental Medicine	Oriental	NRS634A.030	5
State Board of Osteopathic Medicine	Osteopathic	NRS633.181	7
State Board of Pharmacy	Pharmacy	NRS639.020	7
State Board of Physical Therapy Examiners	Physical Therapy	NRS640.030	5
State Board of Podiatry	Podiatry	NRS635.020	5
Private Investigator's Licensing Board	Investigators	NRS648.020	5
State Board of Professional Engineers and Land Surveyors	Engineers	NRS625.100	9
Board of Psychological Examiners	Psychological	NRS641.030	7
Board of Registered Environmental Health Specialists	Environmental	NRS625A.030	5
Board of Examiners for Social Workers	Social Workers	NRS641B.100	5
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board	Speech	NRS637B.100	8
Nevada State Board of Veterinary Medical Examiners	Veterinary	NRS638.020	8

Overview of Executive Director Salaries

Boards employ both full-time and part-time executive directors.¹³ Exhibit XII shows the executive director salaries by full-time and part-time positions for fiscal year 2017.

¹³ The titles of the Boards' senior operating/administrative executives vary and include, executive director, executive officer, executive secretary, secretary/treasurer and chief inspector. The title of executive director is used throughout to refer to those positions.

Exhibit XII

Overview of Executive Director Salaries and Key Metrics

Board ¹	Executive Director Salary/Rate ²	Number of Staff	Number of Licenses ³	Total Revenue ³	Revenue Per License	Total Expenditures ⁴	Executive Director Salary		
							Amount Per License	Percent of Revenue	Percent of Expenditures
Full-Time Boards (in Total Dollars of Salary):									
Pharmacy	\$181,677	4	48,578	\$2,620	\$54	\$2,957	\$3.74	6.9%	6.1%
Medical	\$161,491	35	15,315	\$4,187	\$273	\$4,372	\$10.54	3.9%	3.7%
Contractors	\$159,967 ⁵	61	16,661	\$6,504	\$392	\$7,102	\$9.63	2.5%	2.3%
Accountancy	\$152,770	8	4,001	\$661	\$165	\$631	\$38.18	23.1%	24.2%
Governor's	\$141,867	(95 percent of Governor's Salary)							
Dental	\$141,798	6	5,520	\$1,326	\$240	\$1,156	\$25.69	10.7%	12.3%
Nursing	\$138,124	26	53,270	\$3,158	\$59	\$2,984	\$2.59	4.4%	4.6%
Cosmetology	\$130,135	24	44,859	\$2,213	\$49	\$2,384	\$2.90	5.9%	5.5%
Engineers	\$120,742	5	11,736	\$1,019	\$87	\$830	\$10.29	11.9%	14.5%
Petroleum	\$111,534	3	1,665	\$387	\$233	\$379	\$66.99	28.8%	29.5%
Osteopathic	\$101,158	5	1,553	\$698	\$450	\$656	\$65.78	14.6%	15.6%
Optometry	\$99,997	3	504	\$203	\$402	\$236	\$198.41	49.4%	42.3%
Massage	\$94,630	8	4,439	\$962	\$217	\$779	\$21.32	9.8%	12.1%
Investigators	\$91,193	16	898 ⁶	\$1,540	\$1,715	\$1,503	\$101.55	5.9%	6.1%
Funeral	\$90,170	3	441	\$310	\$703	\$282	\$204.47	29.1%	32.0%
Alcohol, Drug	\$90,020	3	1,392	\$227	\$163	\$237	\$64.67	39.6%	38.0%
Veterinary	\$87,970	5	2,423	\$373	\$154	\$417	\$36.31	23.6%	21.1%
Physical Therapy	\$82,000	5	2,302	\$419	\$182	\$425	\$35.62	19.6%	19.3%
Chiropractic	\$78,000	3	1,079	\$397	\$368	\$340	\$72.29	19.6%	22.9%
Architecture	\$75,148	7	3,971	\$768	\$193	\$798	\$18.92	9.8%	9.4%
Long-Term Care	\$62,790	1	431	\$269	\$624	\$155	\$145.68	23.3%	40.4%
Psychological	\$56,269	4	567	\$186	\$328	\$222	\$99.24	30.3%	25.4%
Opticians	\$53,848	3	544	\$123	\$227	\$129	\$98.99	43.7%	41.8%
Marriage	\$41,345	3	1,541	\$170	\$110	\$167	\$26.83	24.3%	24.7%
Part-Time Boards (in Hourly Rate of Salary):									
Speech	\$91.95	2	1,074	\$139	\$129	\$150	\$67.04	51.8%	48.0%
Environmental	\$75.86	1	233	\$32	\$138	\$28	\$84.98	61.5%	71.0%
Governor's	\$67.94	(95 percent of Governor's Hourly Rate)							
Occupational	\$66.38	2	1,201	\$228	\$190	\$216	\$72.13	38.0%	40.1%
Social Workers	\$40.00	7	2,813	\$366	\$130	\$400	\$21.49	16.5%	15.1%
Podiatry	\$30.00	1	155	\$65	\$421	\$64	\$97.45	23.1%	23.6%
Court Reporters	\$26.00	1	369	\$83	\$224	\$78	\$140.44	62.7%	66.1%
Landscape	\$23.95	3	541	\$78	\$144	\$74	\$55.45	38.4%	40.6%
Homeopathic	\$22.99	1	74	\$40	\$538	\$55	\$324.32	60.3%	43.3%
Oriental	\$22.99	1	59	\$62	\$1,046	\$80	\$345.76	33.0%	25.4%
Athletic Trainers	\$19.16	1	227	\$41	\$180	\$32	\$88.11	48.9%	63.3%
Barbers	\$9.10	4	1,578	\$92	\$58	\$79	\$9.03	15.6%	18.0%
Average All	\$82,889	7.8	6,822	\$881	\$129	\$894	\$12.15	9.4%	9.3%
Average F/T	\$104,512	10.5	9,723	\$1,249	\$128	\$1,267	\$10.75	8.4%	8.2%
Average P/T	\$37.7/\$34.11 ⁷	2.2	757	\$111	\$147	\$114	\$49.78	33.8%	33.0%

Table Notes:

¹Full-Time (F/T) – sorted by salary; Part-Time (P/T) – sorted by hourly rate.

²Board reported salaries and rates converted to PERS Employee/Employer equivalent as applicable for comparability to Governor's.

³Source: Legislative Counsel Bureau, Reports of Occupational Licensing Boards.

⁴Source: Audited financial or balance sheet reports submitted per NRS 218G.400, or internal financial statements for fiscal year 2017. Amounts in thousands.

⁵Contractors Board salary reduced by 8.1 percent for comparability in Exhibits I & II.

⁶Private Investigators Board also administers about 60,000 work permits statewide not included in the number of licenses reported.

⁷Average P/T salary (in thousands) and hourly rate.

Acknowledgments

We express appreciation to the management and staff of the Boards, Office of the Governor, Budget, OAG, D of A, DHRM, Purchasing, B&I, PUCN, LCB, GASB, and Auditors for their cooperation and assistance throughout the audit.

Contributors to this report included:

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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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May 21, 2018

Division of Internal Audits
Warren Lowman
209 E. Musser St. Ste. 302
Carson City, NV 89701

Dear Mr. Lowman,

PLEASE NOTE THAT THIS RESPONSE IS BEING SUBMITTED AT THE DIRECTION OF WARREN LOWMAN, EXECUTIVE BRANCH AUDIT MANAGER FROM THE DIVISION OF INTERNAL AUDITS BY THIS BOARD'S EXECUTIVE DIRECTOR AND WITHOUT CONSULTATION WITH THE BOARD. BECAUSE MR. LOWMAN HAS DIRECTED THAT THE EXECUTIVE DIRECTORS NOT MAKE THE DRAFT REPORT PUBLIC IN ADVANCE OF THE JUNE 14 MEETING OF THE EXECUTIVE BRANCH AUDIT COMMITTEE, AND BECAUSE THE BOARD MAY NOT CONSIDER OR TAKE ACTION RELATING TO THE DRAFT REPORT EXCEPT AT AN OPEN AND PUBLIC MEETING CONDUCTED PURSUANT TO THE NEVADA OPEN MEETING LAW (NRS CHAPTER 241), THE BOARD WILL NOT BE ABLE TO REVIEW AND COMMENT ON THE DRAFT AS IT IS ENTITLED TO DO PURSUANT TO NRS 353A.085(1) UNTIL THE BOARD'S NEXT REGULARLY SCHEDULED MEETING AFTER JUNE 14, 2018, WHICH WILL BE ON JULY 19, 2018. THE COMMENTS CONTAINED HEREIN, THEREFORE, ARE MERELY INTENDED TO PROVIDE SUCH INFORMATION AND RESPONSES AS CAN BE PROVIDED BY THE BOARD'S EXECUTIVE DIRECTOR WITHOUT CONSULTATION, INPUT, OR ACTION BY THE BOARD AND SHOULD BE CONSIDERED AS UNOFFICIAL AND NON-BINDING UPON THE BOARD. AS SUCH, THE BOARD ASKS THAT ANY FINAL ACTION BY THE EXECUTIVE BRANCH AUDIT COMMITTEE RELATING TO THE AUDIT REPORT BE POSTPONED AND THAT THE REPORT NOT BE FINALIZED UNTIL AFTER THE BOARD CAN TAKE PROPER ACTION RELATING THERETO PURSUANT TO NRS 353A.085(1) AND NRS CHAPTER 241 AND THEREAFTER GET THE COMMENTS AND ACTION TAKEN BY THE BOARD BACK TO MR. LOWMAN FOR HIS INCORPORATION INTO THE FINAL AUDIT REPORT.

Within the confines of the above disclaimer, I have reviewed the report from the Division of Internal Audits and ask that you please consider the comments mentioned below. I appreciate the comments that have been addressed, however I do believe the Board is in compliance with the findings of the report. The Board submits contracts for services pursuant to NRS 333. The Board contracts with an auditor on an annual basis pursuant to NRS 218G.400 and submits the audit reporting to the Legislative Counsel Bureau by December 1st of each year. Pursuant to the passing of Assembly Bill 328 the Board entered into a contract with its outside attorney, who has extensive

history with the Board. Over the years, the Board has utilized the Attorney General's Office, however there were inconsistencies due to turnover of staff. The Board has recognized effectiveness and efficiency by being able to keep legal support the same. The Board is ensured consistency with regard to action taken on complaints and discipline, as well as various other issues brought before the Board:

I recognized a couple items that do not appear to be in accordance with the information provided by the Chiropractic Physicians' Board. Exhibit III illustrates the comparison of the compensation for like services between the three part-time boards with a shared executive director and the average of the four individual boards with full-time executive directors. While the CPBN reports expenditures between \$300,000 and \$500,000, I don't believe we fall into the comparison shown in Exhibit III. The Chiropractic Physicians' Board has a full-time executive director whose compensation is less than both values noted. The Board employs one licensing specialist and the total licensees is approximately 1,000.

Exhibit XII reports that the number of staff employed by the Chiropractic Physicians' Board is three, however the Board employs two full-time employees. In addition, how does the Executive Director's salary compare to the number of licensees? Board duties consist of much more than issuing licenses.

Based on our discussion before the Sunset Subcommittee I will establish a reserve policy to be heard at the Board's July 19, 2018 Board meeting.

We look forward to providing you the Board's comments after our July 19, 2018 meeting.

Respectfully,

A handwritten signature in cursive script, appearing to read "Julie Strandberg".

Julie Strandberg, Executive Director
Chiropractic Physicians' Board of Nevada

Appendix C

Timetable for Implementing Audit Recommendations

In consultation with the Department of Administration (D of A) and Nevada's independent licensing boards (Boards), the Division of Internal Audits categorized the recommendations contained within this report into two separate implementation time frames (i.e., *Category 1* – less than six months; *Category 2* – more than six months). The D of A and Boards should begin taking steps to implement all recommendations as soon as possible. The D of A and Boards target completion dates are incorporated from Appendix B.

Category 1: Recommendation with an anticipated implementation period of less than six months.

<u>Recommendation</u>	<u>Time Frame</u>
4. Establish standards for the financial and administrative operation of Boards. (page 22)	Dec 2018

Category 2: Recommendations with an anticipated implementation period exceeding six months.

<u>Recommendations</u>	<u>Time Frame</u>
1. Comply with statute and guidelines for salaries. (page 10)	TBD
2. Use the OAG for a baseline level of legal support. (page 16)	TBD
3. Evaluate the cost/benefit of using in-house salaried attorneys in conjunction with the OAG for legal support. (page 16)	TBD

The Division of Internal Audits shall evaluate the action taken by D of A and Boards concerning the report recommendations within six months from the issuance of this report. The Division of Internal Audits must report the results of its evaluation to the committee, D of A, and Boards.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 21 Sunset Subcommittee Work Session – For possible action.**

RECOMMENDED MOTION:

- A. Approve the authorization to sell the 4,000 shares of Employers Holdings.**
- B. Adopt the reserve policy as submitted or provide revisions.**

PRESENTED BY: **Julie Strandberg**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

- A. Authorization to sell Employers shares – Pursuant to the Nevada Constitution, Article 8, Section 9, Boards' are not allowed to hold securities.
- B. Adopt a reserve policy – The Sunset Subcommittee has asked all Boards' and Commissions' to adopt and provide a reserve policy.
- C. Cost savings measures – The Sunset Subcommittee asked if the Board could find ways to reduce costs. The current budget is attached.
- D. Improve budget process – I will discuss.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Sunset Subcommittee of the Legislative Commission
(Nevada Revised Statutes 232B.210)

**WORK SESSION
DOCUMENT**



June 13, 2018

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Sunset Subcommittee of the Legislative Commission
(*Nevada Revised Statutes* [NRS] 232B.210)

June 13, 2018

The following Work Session Document has been prepared by the chair and staff of the Sunset Subcommittee of the Legislative Commission. It is designed to assist the Subcommittee members to determine whether to recommend that a board or commission be terminated, modified, consolidated with another agency, or continued. The recommendations contained herein do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide whether they should be adopted, changed, rejected, or further considered. They are not preferentially ordered.

Each item in this document may be the subject of further discussion, refinement, or action. Any recommendations will be forwarded to the Legislative Commission for its consideration. Some of the recommendations may contain an unknown fiscal impact. Subcommittee members should be advised that Legislative Counsel Bureau (LCB) staff will coordinate with interested parties to obtain detailed fiscal estimates, if appropriate, for inclusion in the Subcommittee's final report.

Finally, please note that specific details of recommendations approved by the Subcommittee may require clarification by Subcommittee staff prior to reporting the recommendations to the Legislative Commission. Supporting documents for some recommendations may be obtained by contacting Carol M. Stonefield, Deputy Research Director, Research Division, LCB, at (775) 684-6825 or cstonefield@lcb.state.nv.us.

**RECOMMENDATIONS RELATING TO TERMINATING, CONTINUING,
MODIFYING, OR CONSOLIDATING BOARDS AND COMMISSIONS**

1. Peace Officers' Standards and Training Commission (NRS 289.500)

The Peace Officers' Standards and Training Commission (P.O.S.T.), created by the Legislature in 1981, consists of nine members appointed by the Governor. Members must represent geographic areas of the state as well as categories of peace officers.

The Commission must provide training opportunities for law enforcement personnel and establish minimum standards for the certification, recruitment, selection, and training of peace officers. It shall determine whether agencies of state and local government are complying with standards, carrying out duties relating to certain investigations, and performing any other duties necessary to meet its statutory functions.

The Sunset Subcommittee reviewed P.O.S.T. at its January 22, 2018, meeting. Subcommittee members and representatives of P.O.S.T. discussed funding for the activities of the Commission. The executive director stated that the only source of funding is through court assessment fees. Subcommittee members requested information on funding available to similar agencies in other states. The response from the executive director was included in the informational items provided to the Subcommittee at its meeting on February 21, 2018.

The Commission had no suggestions for consolidation with another entity. To stabilize and increase P.O.S.T.'s budget, the Commission suggested statutory revisions as follows:

- Provide a specific and mandatory portion of court assessment fees; or
- Add a source of funding, such as a surcharge, or other methods of funding utilized in other states.

Should the Peace Officers' Standards and Training Commission be terminated or continued?

If the Subcommittee recommends terminating the Commission, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Commission should continue:

- *Does the Subcommittee want to recommend any changes concerning the Commission?*
- *Does the Subcommittee want to recommend any changes to the duties of the Commission?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Include a statement in the Subcommittee's final report encouraging P.O.S.T. to:
 - 1. Request additional funding through the Executive Budget for the 2019–2021 Biennium; or
 - 2. Seek a sponsor for a bill draft request to provide for an increased portion of court assessment fees or a new source of funding; or
 - 3. Do both.
- B. Send a letter to the Governor and chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means recommending funding of the Northern Nevada Emergency Vehicle Operations Course, estimated in the State Public Works Board Project 7487 at approximately \$5.8 million.

2. State Board of Architecture, Interior Design and Residential Design (NRS 623.050)

The Legislature created the State Board of Architecture in 1949. Subsequently, the practice of residential design was defined in 1975, and the practice of interior design was defined in 1995. The Board consists of nine members appointed by the Governor to represent the three practices and the general public. The Board is authorized to issue licenses, discipline licensees and impose civil penalties, establish education and training requirements, and adopt a code of ethics.

The Sunset Subcommittee reviewed the Board at its meeting on February 21, 2018. Subcommittee members and representatives of the Board discussed the Board's policy of offering longevity pay to employees, budgeted travel costs, fees as they compare to surrounding states, and the retention of revenues from fines.

The Board provided a response to questions raised, which was included in the informational items provided to the Subcommittee at its meeting on May 21, 2018. The Board indicated the following:

- Longevity pay has been an employment policy since 2001 as part of its compensation package. The Board offered to discontinue this policy.
- In-state travel costs include travel for board meetings, exam administration, continuing education seminars, and educational outreach programs. Several Board members participate in national organizations, generating out-of-state travel expenses.
- First-time registration fees are higher than surrounding states because the Board is entirely self-funded. It provides certain services, including free continuing education, participation in an alternative path to licensure for some qualified interior designers, and faster licensing.
- NRS 623.310 provides a ceiling of \$800 for an examination. Fees have not been raised since 2002.
- With regard to fines and assessments, the Board takes the position that its legal authority "seems to differ from the authority that governs other" licensing boards in Nevada.
 - NRS 623.365 provides for a civil penalty not to exceed \$10,000.
 - No provision in Chapter 623 ("Architects, Interior Designers and Residential Designers") of NRS specifically directs the Board to deposit money from fines in the Office of the State Treasurer, although NRS 623.165 provides that if the Board does make such deposits, it can request reimbursement for investigative costs from the Interim Finance Committee. The Board asserts that its "present

processes do not post the kinds of due process risks” of concern to the Sunset Subcommittee.

The Board had no recommendations for consolidation with another entity nor any recommendations for revisions to its practice act.

Should the State Board of Architecture, Interior Design and Residential Design be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

A. Send a letter to the Board:

1. Urging it to discontinue the practice of longevity pay and reduce its travel expenses; and
2. Urging it to review its fees for examinations and first-time registrations and direct the Board to report to the Subcommittee during the 2019–2020 Interim on the results of its review.

B. Note in the Subcommittee’s final report that the Board’s practice of retaining revenues from levying fines and civil penalties, rather than depositing them with the Office of the State Treasurer, is not aligned with provisions of some other practice acts.

3. State Board of Professional Engineers and Land Surveyors (NRS 625.100)

The State Board of Professional Engineers and Land Surveyors was established by the Legislature in 1919. The practice of land surveying was recognized by the Legislature in 1947. The Board consists of nine members appointed by the Governor.

The Board is responsible to issue licenses, define the scope of the disciplines by regulation, discipline licensees, and investigate complaints.

The Sunset Subcommittee considered the Board at its meeting on February 21, 2018. A review of the Board's financial audit indicated the Board has a reserve balance that would cover approximately 35 months of operating expenses. The Board reported it:

- Does not have a reserve policy;
- Had submitted its rules of practice to the Secretary of State; and
- Retains all money from the imposition of fines, collected pursuant to NRS 625.150.

The Board had no recommendations for consolidation with another entity nor any recommendations for statutory changes. A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on May 21, 2018. The Board indicated that "internal procedures have been implemented to ensure that all future fines" imposed by the Board will be deposited with the Office of the State Treasurer.

The Board submitted a reserve policy that was adopted on May 10, 2018, and a business plan effective June 2018.

Should the State Board of Professional Engineers and Land Surveyors be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

4. Nevada State Board of Accountancy (NRS 628.035)

The Nevada State Board of Accountancy was established by the Legislature in 1913. The Board consists of seven members appointed by the Governor. The Board has the authority to regulate Chapter 628 (“Accountants”) of NRS, including adopting regulations concerning professional conduct, issuing certificates, establishing educational requirements, prescribing examinations, registering corporations for the practice of public accounting, and disciplining holders of certificates.

The Subcommittee reviewed the Board at its meeting on January 22, 2018. Subcommittee members and representatives of the Board discussed the following:

- The Board has approximately 22 months of operating reserves;
- Cost efficiencies implemented by the Board resulted in a reduction of operating expenses; and
- Board members who are involved in enforcement committee proceedings abstain from voting.

A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on March 21, 2018. The Board explained the actions it implemented in 2004 to improve its financial position, which resulted in a growing reserve. The Board noted its concerns with a suggestion that it maintain reserves of only three to six months to cover operating costs.

The Board included on the agenda for its March 21, 2018, meeting a discussion of a reserve policy. A message from the executive director indicated that the Board has approved the drafting of a reserve policy, which will likely be adopted at its scheduled meeting in July 2018.

Should the Nevada State Board of Accountancy be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend the following:

- A. Include a statement in the Subcommittee's final report that the Board indicated it is in the process of developing and adopting a reserve policy.

5. Board of Medical Examiners (NRS 630.050)

The Board of Medical Examiners was created by the Legislature in 1899. It consists of nine members appointed by the Governor. One of the members must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients.

The Board shall enforce the provisions of Chapter 630 (“Physicians, Physician Assistants, Medical Assistants, Perfusionists and Practitioners of Respiratory Care”) of NRS. It shall establish standards for the practice of licensure, conduct examinations, and investigate applicants. It is authorized to hold hearings, conduct investigations, inspect premises, and discipline licensees.

The Board was reviewed by the Subcommittee on March 21, 2018. Subcommittee members and representatives of the Board discussed the Board’s reserve policy and fees. Representatives reported the Board established a policy to maintain reserves equal to approximately 12 months of operating expenses, based on an audit from the Federation of State Medical Boards. Subsequently, it reduced fees for all licensure categories. The members noted that the Board’s fees remain higher than surrounding states in most categories, including background checks, initial application fees, and renewal fees.

Representatives explained the use of hearing officers in administrative hearings. The hearing officers are independent contractors who conduct initial proceedings, make a finding of the credibility of witnesses, and prepare a record that is provided to the Board members who conduct the formal hearing.

The Board had no recommendations for consolidation with another entity nor any recommendations for statutory revisions.

Should the Board of Medical Examiners be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend the following:

- A. Send a letter to the Board urging it to review its fee schedules, including aligning fees charged for background checks with costs to obtain the information; and
- B. Direct the Board to report the results of its review to the Subcommittee during the 2019–2020 Interim.

6. Board of Homeopathic Medical Examiners (NRS 630A.100)

The Board of Homeopathic Medical Examiners was established by the Legislature in 1983. The Board consists of seven members appointed by the Governor, including one member who must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients.

The Board has the authority to regulate the practice of homeopathic medicine, determine qualifications of applicants, issue licenses or certificates, and investigate complaints.

The Subcommittee reviewed the Board at its meeting on March 21, 2018. Discussion between Subcommittee members and representatives of the Board included a review of the Board's expenditures, revenues, and its debt of approximately \$145,000 owed to the Office of the Attorney General, which has been accruing since 2004. Representatives of the Board indicated most patients are not Nevada residents; they generate medical tourism revenue during their stay for treatment. In addition, the Board reported that new applications for a license indicate a growing trend in homeopathic medicine.

The Subcommittee requested additional information, as follows:

- Subsequent to the March review, the chair requested information on the amount of money generated from homeopathic medical tourism, the number of pending applications, and the number of individuals practicing homeopathic medicine without a license in Nevada. A report addressing the requested information was submitted by Capitol Partners, LLC, on behalf of the Board. The report and letters of support are included in the informational items on the agenda for the Subcommittee's meeting on June 13, 2018.
- At the Subcommittee's meeting on April 23, 2018, the members voted to request information from the Attorney General regarding the circumstances of the amounts payable and any suggestions for resolution. The Subcommittee requested the Attorney General submit a response for consideration at the June 13, 2018, meeting.

Should the Board of Homeopathic Medical Examiners be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

The Subcommittee may wish to consider the following in making its recommendation:

- A. If the Subcommittee wishes to recommend termination of the Board, it may wish to recommend transferring the authority to issue licenses to homeopathic physicians and homeopathic assistants to the Division of Public and Behavioral Health, Department of Health and Human Services (DHHS).

- B. If the Subcommittee wishes to recommend continuation of the Board, it may wish to:
 - 1. Submit to the Legislative Commission a recommendation for an audit of the Board, which would: (a) consider the information provided by the Office of the Attorney General regarding the Board's liability to that Office; and (b) determine what actions may be taken to reduce or eliminate the liability;
 - 2. Recommend continued monitoring of the Board by the Subcommittee during the 2019–2020 Interim; and
 - 3. Recommend the director of the Department of Administration to establish a procedure to monitor the activities of the Board and provide assistance as appropriate to improve performance of duties.

- C. If the Subcommittee wishes to recommend continuation of a newly constituted board to license practitioners, the Subcommittee may wish to recommend that:
 - 1. The terms of any members of the current Board and the employment of any current staff expire on a particular date;
 - 2. The Governor appoint new members to the newly constituted board;
 - 3. The newly constituted board hire new staff;
 - 4. The newly constituted board adopt policies and procedures to address its financial status and its processes to enforce the provisions of Chapter 630A (“Homeopathic Physicians, Advanced Practitioners of Homeopathy and Homeopathic Assistants”) of NRS;
 - 5. The newly constituted board report its activities to the Sunset Subcommittee throughout the 2019–2020 Interim; and
 - 6. The director of the Department of Administration establish a procedure to monitor the activities of the newly constituted board and provide assistance as appropriate to improve performance of duties.

7. State Board of Osteopathic Medicine (NRS 633.181)

The State Board of Osteopathic Medicine was created by the Legislature in 1925. The Board consists of seven members, including one member who must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients. The Board is authorized to adopt regulations to carry out its duties, issue licenses, investigate complaints, and discipline licensees.

The Board was reviewed by the Subcommittee at its meeting on March 21, 2018. Subcommittee members and representatives of the Board discussed:

- The Board's reserves of approximately \$1 million, which are equal to 20 months of operating costs;
- An increase in applications that generated increased revenue;
- The Board's retention of fines for disciplinary actions;
- The Board's hearing process, including the selection of a hearing officer;
- The level of fees in Nevada, which are higher than most surrounding states;
- The Board's plans to review its fees and consider necessary adjustments.

A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on April 23, 2018. The Board provided information in response to questions from the Subcommittee, including the following:

- The Board will consider a reserve policy at its scheduled meeting in June 2018;
- Criteria considered when selecting a hearing officer include experience, education, and references; and
- The Board will review licensing, renewal, and fingerprint processing fees to determine whether adjustments are necessary.

The Board had no recommendations for consolidation with another entity nor any recommendations for statutory changes.

Should the State Board of Osteopathic Medicine be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

A. Send a letter to the Board:

1. Urging it to review its fee schedules, including aligning fees charged for background checks with costs to obtain the information; and
2. Directing it to report the results of its review to the Subcommittee during the 2019–2020 Interim.

B. Note in the Subcommittee’s final report that the Board’s practice of retaining revenues from levying fines and civil penalties, rather than depositing them with the Office of the State Treasurer, is not aligned with provisions of some other practice acts.

8. Chiropractic Physicians' Board of Nevada (NRS 634.020)

The Legislature created the Chiropractic Physicians' Board of Nevada in 1923. The Board consists of seven members appointed by the Governor, including one member who must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients. The Board is authorized to adopt regulations to carry out its duties, issue licenses, inspect premises, investigate complaints, and discipline licensees.

The Sunset Subcommittee reviewed the Board at its meeting on April 23, 2018. The members and representatives of the Board discussed the following:

- The Board possesses marketable securities with no plans for liquidation and no policy on investments;
- The Board has reserves of \$206,000, which are equivalent to seven months of operating costs, and it has no reserve policy; and
- Licensing fees are higher than most surrounding states.

At the meeting, Board counsel explained how the Board came to hold stock in a publicly traded company. Counsel stated the Board will place on the agenda for its July meeting items proposing to divest itself of this stock and to establish a reserve policy.

A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on May 21, 2018. The Board provided information in response to questions from the Subcommittee, including the following:

- Doubtful accounts that are turned over to the Office of the State Controller;
- Sources of other income;
- An explanation for variances in budgeted and actual revenues and expenditures; and
- Services provided to licensees that are funded from fees.

The Board had no recommendations for consolidation with another entity. It did indicate that it may seek legislation to revise provisions of Chapter 634 ("Chiropractic Physicians and Chiropractors' Assistants") of NRS during the 2019 Legislative Session.

Should the Chiropractic Physicians' Board of Nevada be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend the following:

- A. Send a letter to the Board recommending the following:
 1. Divestiture of certain securities;
 2. Establishment of a reserve policy; and
 3. Improvement in the budgeting process.
- B. Direct the Board to report back to the Subcommittee during the 2019-2020 Interim on steps taken to improve the budgetary process and manage its finances.

9. State Board of Podiatry (NRS 635.020)

The Legislature established the State Board of Podiatry in 1949, although it first regulated the practice by requiring certification through the Board of Medical Examiners in 1917. The Board consists of five members appointed by the Governor, including one member who must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients.

The Board is authorized to adopt regulations to carry out the provisions of Chapter 635 (“Podiatric Physicians and Podiatry Hygienists”) of NRS. It may examine applicants, issue licenses, require training, inspect premises, and discipline licensees.

The Board was reviewed by the Sunset Subcommittee at its meeting on April 23, 2018. Subcommittee members and representatives of the Board discussed the following issues:

- The former director’s restitution for felony embezzlement;
- Contractual and professional services, which represent significant expenditures for a relatively small board;
- The Board does not accept electronic payments;
- The Board has no reserve policy;
- The number of licensed podiatric hygienists at nine; and
- Fines are included as part of the Board’s operating revenues.

A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on May 21, 2018. The Board provided information in response to questions from the Subcommittee, including the following:

- Civil penalties, not previously deposited with the Office of the State Treasurer, will be deposited there in the future;
- Online renewals will be considered by the Board;
- Board training will be considered at future Board meetings;
- The need for podiatric hygienists may be considered by the Board at a later date.

The Board had no recommendations for consolidation with another entity. It indicated that it is discussing potential revisions to Chapter 635, but it had no recommendations to suggest to the Subcommittee.

Should the State Board of Podiatry be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Send a letter to the Board urging it to adopt electronic renewals and payments.
- B. Recommend to the Legislative Committee on Health Care (LCHC) (NRS 439B.200) that it review the need for a podiatric hygienist.

10. Nevada Physical Therapy Board (NRS 640.030)

The Legislature established the Nevada Physical Therapy Board in 1995. The Board consists of five members appointed by the Governor. In addition, in 2017, the Legislature authorized the Board to select any person to serve as a nonvoting advisory member of the Board.

The Board is authorized to enforce the provisions of Chapter 640 (“Physical Therapists, Physical Therapists’ Assistants and Physical Therapists’ Technicians”) of NRS, evaluate applicants, issue licenses, investigate complaints, discipline licensees, forward to law enforcement any substantiated information concerning a person who allegedly practices without a license, and approve educational programs leading to licensure.

The Sunset Subcommittee reviewed the Board at its meeting on April 23, 2018. Subcommittee members and Board representatives discussed the following:

- Lack of internal controls in Board operations, including the segregation of duties and maintaining adequate records to enable the financial audit;
- Expenditures exceeding revenues;
- No budget was prepared for Fiscal Year (FY) 2015 or FY 2016;
- The conduct of the previous executive director in making unauthorized payments to herself prior to resignation;
- Moving to an annual audit to assist the Board in the accountability and maintenance of its financial records; and
- Board training consisting of providing members with lists of websites relating to ethics, government, and the Open Meeting Law; instruction in the legislative process provided by the lobbyist; and recommendations for education and training events.

The Board has taken the following steps to address some of these issues:

- Working with the Office of the Attorney General rather than full-time, outside legal counsel;
- Reviewing invoices and regulations;
- Establishing internal financial controls;
- Providing online access to licensing renewals; and
- Putting employee performance evaluations in place.

The Board had no suggestions for consolidation with another entity. On its review form, the Board indicated that it is undertaking a comprehensive review of its administrative regulations for the purpose of updating and revising licensing procedures, professional standards and conduct, and disciplinary actions.

Should the Nevada Physical Therapy Board be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Send a letter to the Board urging it to:
 1. Establish an annual audit cycle; and
 2. Establish an annual budget and improve its budgeting process and maintenance of records.
- B. Recommend improvement of Board training, either by:
 1. Revising provisions of Chapter 640 to require Board members to attend training offered by the Attorney General; or
 2. Requiring the Board to report to the Subcommittee during the 2019–2020 Interim with documentation of training in which every Board member participated.
- C. Report to the Subcommittee during the 2019–2020 Interim on the outcome of the investigation into the conduct of the previous executive director.

11. Board of Psychological Examiners (NRS 641.030)

The Board of Psychological Examiners was established by the Legislature in 1963. The Board consists of six members appointed by the Governor, including one member who must represent the interests of persons or agencies that provide health care to indigent, uninsured, or low-income patients. In 2017, the Legislature created the Board of Applied Behavior Analysis, transferred the responsibility for regulation of that profession from the Board of Psychological Examiners, and reduced the membership from seven members to six.

The Board is authorized to enforce the provisions of Chapter 641 (“Psychologists, Behavior Analysts, Assistant Behavior Analysts and Autism Behavior Interventionists”) of NRS, including licensing applicants, disciplining licensees, investigating complaints, and requiring a mental or physical examination of a licensee who is named in a complaint.

In 2017, the Legislature enacted Assembly Bill 457 (Chapter 363, *Statutes of Nevada*) to require the Board to establish policies concerning compensation and performance of the staff, to authorize the Board to enter into agreements with DHHS to assist in improving performance of duties, and to adopt online application forms for issuance or renewal of licenses and certificates.

The Subcommittee reviewed the Board at its meeting on May 21, 2018. Subcommittee members and representatives of the Board discussed the following:

- A lack of oversight, segregation of duties, and proper documentation as reported in the financial audit;
- A decline in the reserve balance over the past several years and large variances in the budget in certain fees;
- Reserves equivalent to approximately five months of operating costs;
- Loss in revenue due to the creation of the new Board of Applied Behavior Analysis; and
- Testing and licensing procedures, including the development of a computer-based exam.

The Board reported that it has developed procedures to separate duties; the executive director and the secretary-treasurer meet monthly to reconcile statements. The deficit was due to services of a lobbyist, exam developer, exam commissioner, and an accountant. The actual expenditures will be closer to the budget as it finishes its two-year budget.

The Board had no suggestions for consolidation with another entity, but it recommends the Board membership be returned to seven. It also requested an increase in the statutory limits placed on fees, which have not been increased since 1997.

Should the Board of Psychological Examiners be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Recognize that the Board recommends a revision to NRS 641.030 to increase the membership to seven by:
 1. Sending a letter to the Board urging it to request its own bill draft to accomplish this revision; and
 2. Including a statement in the Subcommittee's final report that the Board has made the recommendation.
- B. Recommend that the LCHC and the Commission on Behavioral Health, DHHS, continue to monitor the Board, pursuant to AB 457.
- C. Require the Board report to the Sunset Subcommittee during the 2019–2020 Interim on its progress in complying with the provisions of AB 457.

12. Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors (NRS 641A.090)

The Legislature established the Board of Marriage Counselor Examiners in 1973. Licensing clinical professional counselors was authorized in 2007. The Board currently consists of nine members, appointed by the Governor.

The Board has the authority to enforce the provisions of Chapter 641A (“Marriage and Family Therapists and Clinical Professional Counselors”) of NRS, including examining applicants, granting licenses, disciplining licensees, and establishing criteria for courses of study for licensing and continuing education.

In 2017, the Legislature enacted AB 457 to require the Board to establish policies concerning the compensation and performance of Board staff, authorize the Board to enter into agreements with DHHS to assist in improving performance of duties, and adopt online application forms for issuance or renewal of licenses and certificates.

The Sunset Subcommittee reviewed the Board at its meeting on May 21, 2018. Subcommittee members and representatives of the Board discussed the following:

- An employee loan that was not authorized or approved by the Board and other loss attributed to theft;
- Lack of documentation to prepare a budget and an audit;
- Efforts to manage Board operations without a staff director; and
- A records retention policy.

The Board reported that it has developed a policy and operations manual, will interview applicants to fill the executive director position, and has requested the Office of the Attorney General to investigate the loss attributed to theft.

The Board had no suggestions for consolidation with another entity. It reported that at its April meeting, the Board voted to support a number of revisions to Chapter 641A, including increases in the statutory limits on fees, which have not been increased since 1989. It may propose a biennial license to increase revenues and address cash flow problems.

Should the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Recommend that the LCHC and the Commission on Behavioral Health continue to monitor the Board, pursuant to AB 457.
- B. Require the Board report to the Sunset Subcommittee during the 2019–2020 Interim on its progress in complying with the provisions of AB 457.

13. Board of Examiners for Social Workers (NRS 641B.100)

The Board of Examiner for Social Workers was established by the Legislature in 1987. The Board consists of five members appointed by the Governor.

The Board is authorized to adopt regulations to carry out the provisions of Chapter 641B (“Social Workers”) of NRS, including issuing licenses and disciplining licensees. The Board shall maintain a list of licensed social workers.

In 2017, the Legislature enacted AB 457 to require the Board to establish policies concerning the compensation and performance of Board staff, authorize the Board to enter into agreements with DHHS to assist in improving performance of duties, and adopt online application forms for issuance or renewal of licenses and certificates.

The Board was reviewed by the Sunset Subcommittee at its meeting on May 21, 2018. Subcommittee members and the Board discussed the following:

- The Board’s reported deficit and expenditures exceeded revenues according to the financial audit;
- Online licensing, including the purchase of computer software and contracting with a new vendor; and
- The increasing demand for social workers in Nevada.

The Board reported it is proposing to increase the application fee and the initial licensure fee for licensed clinical social workers, which will bring in additional revenue. If its statutory limits are increased, the Board plans to use the additional revenue to provide computer programming, improve office efficiencies, and build its reserve funds. Representatives stated statutory fees were last increased in 1995.

The Board had no recommendations for consolidation with another entity.

Should the Board of Examiners for Social Workers be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Recommend the LCHC and the Commission on Behavioral Health continue to monitor the Board, pursuant to AB 457.
- B. Require the Board report to the Sunset Subcommittee during the 2019–2020 Interim on its progress in complying with the provisions of AB 457.

14. Board of Examiners for Alcohol, Drug and Gambling Counselors (NRS 641C.150)

In 1999, the Legislature created the Board of Examiners for Alcohol and Drug Abuse Counselors. The Board was revised in 2003 to include gambling counselors. The Board consists of seven members appointed by the Governor. The Board is authorized to adopt regulations relating to examinations, licensing, and discipline.

In 2017, the Legislature enacted AB 457 to require the Board to establish policies concerning the compensation and performance of Board staff, authorize the Board to enter into agreements with DHHS to assist in improving performance of duties, and adopt online application forms for issuance or renewal of licenses and certificates.

The Board was reviewed by the Sunset Subcommittee at its meeting on May 21, 2018. Subcommittee members and Board representatives discussed the following:

- The Board has reserves equivalent to nine months of operating costs;
- Both examination expenses and revenue collected from exams and fees indicate growth in the field;
- The Board's initial application fee is higher than surrounding states; and
- Expenditures exceeded revenues due to lobbyist fees for the 2017 Legislative Session.

The Board reported it has not entered into an agreement with DHHS because it has a solid system of governance in place. The Board also reported it updated its policies and procedures in 2017 and has offered online renewals since 2014. The Board had no recommendations for consolidation with another entity or suggestions for statutory revisions.

Should the Board of Examiners for Alcohol, Drug and Gambling Counselors be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend one or more of the following:

- A. Recommend the LCHC and the Commission on Behavioral Health continue to monitor the Board, pursuant to AB 457.
- B. Require the Board report to the Sunset Subcommittee during the 2019–2020 Interim on its progress in complying with the provisions of AB 457.

15. Private Investigator’s Licensing Board (NRS 648.020)

The Private Investigator’s Licensing Board was established by the Legislature in 1953. Prior to that, the Legislature authorized the Nevada State Police to issue a private detective’s license in 1947. The Board consists of five members appointed by the Governor.

The Board has the authority to carry out the provisions of Chapter 648 (“Private Investigators, Private Patrol Officers, Polygraphic Examiners, Process Servers, Repossessors, Dog Handlers and Registered Employees”) of NRS, including classifying licensees according to the type of business. The Board may limit the operations of a licensee. It shall establish criteria for authorizing self-insurance and levying fines for violations. It may establish qualifications of licensees and the directors and officers of corporate licensees. It may also require licensees to attend courses in firearms safety.

The Board was reviewed by the Sunset Subcommittee at its meeting on January 22, 2018. Subcommittee members and representatives of the Board discussed the following:

- The vetting process for new applicants;
- The high cost of personnel due to employing six investigators, running background checks, and providing state benefits to all employees;
- Online processing of license applications, renewals, and credit card payments; and
- Licensing fees in Nevada compared to surrounding states.

A subsequent letter from the executive director was included in the informational items provided to the Subcommittee at its meeting on March 21, 2018. The Board provided information in response to questions from the Subcommittee, including the following:

- A comparison of fees in Nevada with selected states indicates that Nevada’s fees are higher;
- The Board reported that Nevada is the only state that performs an in-depth background investigation on applicants and their companies, including credit checks and other public records; and
- The Board suggested that funding from the state would enable the Board to obtain Rap Back services from the Federal Bureau of Investigation, which allows authorized agencies to receive notification of activity by individuals who hold positions of trust or who are under criminal justice supervision or investigation. This would eliminate the need for repeated background checks on a person from the same applicant agency.

On its review form, the Board had no suggestions for consolidation with another entity. It did report that it is reviewing the provisions of Chapter 648 of NRS and Chapter 648

(“Private Investigators, Private Patrol Officers, Polygraphic Examiners, Process Servers, Repossessors and Dog Handlers”) of the *Nevada Administrative Code* and anticipates several changes to propose.

Should the Private Investigator’s Licensing Board be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- ***Does the Subcommittee want to recommend any changes concerning the Board?***
- ***Does the Subcommittee want to recommend any changes to the duties of the Board?***

If the Subcommittee wishes to recommend continuation, it may wish to recommend the following:

- A. Further review of the Board during the 2019-2020 Interim, including a study of its fees and operations.

16. Certified Court Reporters' Board of Nevada (NRS 656.040)

The Certified Court Reporters' Board of Nevada was created by the Legislature in 1973. The Board consists of five members appointed by the Governor.

The Board is authorized to examine applicants for certification, issue licenses to conduct business as a court reporting firm, fix the fees, and discipline a licensee. In 2017, the Legislature enacted Senate Bill 406 (Chapter 361, *Statutes of Nevada*), which made changes to examination requirements and qualifications.

The Board was reviewed by the Subcommittee at its meeting on January 22, 2018. Subcommittee members and representatives of the Board discussed the following:

- The increasing use of videography in depositions and changes in technology;
- Concerns for the protection of the public and the accuracy of the record created via videography;
- The lack of authority provided to the Board to oversee these methods; and
- The impact of declining numbers of licensees on the revenues of the Board.

A staff memorandum was provided to the members at its meeting on April 23, 2018, that provided the following information relating to the regulation and licensing of videography in Nevada and other states:

- States do not regulate legal videographers as they do certified court reporters;
- The National Court Reporters Association (NCRA) has taken no position on state licensure; and
- The Certified Legal Video Specialist Council, within the NCRA, holds that a court reporter should be present during a deposition and should be responsible for creating and maintaining the written testimony.

In addition, in 2017, the Nevada Supreme Court created the Nevada Rules of Civil Procedure Committee to review and make recommendations whether to update and revise the Nevada Rules of Civil Procedure and related rules. By the date of the Subcommittee's work session on the Board, the Committee had made no recommendations regarding the structure of rules to accommodate both videography and court reporting.

On its review form, the Board had no recommendations for consolidation with another entity. The Board did suggest that an officer in a deposition should be defined to be a "certified court reporter or certified voice writer to protect the public from noncertified persons reporting legal proceedings."

Should the Certified Court Reporters' Board of Nevada be terminated or continued?

If the Subcommittee recommends terminating the Board, should it be consolidated with another entity or have its duties transferred to another entity?

If the Subcommittee recommends that the Board should continue:

- *Does the Subcommittee want to recommend any changes concerning the Board?*
- *Does the Subcommittee want to recommend any changes to the duties of the Board?*

If the Subcommittee wishes to recommend continuation, it may wish to recommend either Option A or Option B:

- A. Require the Board to report to the Subcommittee during the 2019-2020 Interim on:
1. An update of the impact of the provisions of SB 406 relating to the revisions of examination requirements and qualifications, including the number of licensees and total revenues; and
 2. Any recommendations from the Nevada Rules of Civil Procedure Committee of the Nevada Supreme Court regarding the regulation of videographers.

OR

- B. Urge the Board to seek revisions of Chapter 656 ("Certified Court Reporters; Court Reporting Firms") of NRS to license videographers under the jurisdiction of the Certified Court Reporters' Board of Nevada.

17. General Findings and Recommendations Regarding Occupational and Professional Licensing Boards

During the 2017–2018 Interim, the Sunset Subcommittee reviewed 23 professional and occupational licensing boards. Over the previous three interims, the Subcommittee has reviewed an additional nine licensing boards.

As the Subcommittee conducted its work, members became aware of issues that the Legislature may wish to address. The following is a summary of the Subcommittee’s concerns, findings, and observations:

- A. In many instances, NRS provides that a board may delegate its authority to hear complaints made against licensees. It would appear that NRS does not provide for qualifications of hearing officers who receive this delegated authority from licensing boards.
- B. The training of board members is not uniform among the boards. While NRS 622.200 provides that a member of a regulatory body must be provided training on duties and responsibilities by the Attorney General, it appears that not all board members and staff participate.
- C. Although the Legislative Auditor receives financial audits and balance sheets, they are not available for public inspection, creating a lack of transparency.
- D. Some boards obtain only biennial audits. The lack of oversight by a board reduces accountability, which increases the possibility of mismanagement, fraud, and embezzlement. Annual audits may provide more structure to the budgeting processes of these boards.
- E. Board reserves range from several million dollars to less than three months of operating costs. Many boards have no policy with regard to reasonable reserves.
- F. Most boards are empowered to discipline licensees, including levying a fine or a civil penalty as a form of discipline. Practice acts are not uniform with regard to provisions requiring the deposit of such revenues with the Office of the State Treasurer. Some boards follow that practice, while other boards retain the revenues, creating a potential for conflict of interest.
- G. Fee structures are not uniform. Some boards charge more than is required to obtain fingerprint and background check information. Some boards are provided a range and limitation on the amounts they may charge licensees, while the fees for other boards are set in NRS. Some boards charge fees that are considerably more than what neighboring states levy.

- H. Not all boards have explicit authority to investigate individuals reported as practicing the profession without a license. Others are required to report such alleged activity to law enforcement. Some have the authority to seek injunctive relief.
- I. A review of budgets informed the Subcommittee that many boards utilize outside legal counsel, instead of obtaining assistance from the Office of the Attorney General, and hire the services of a lobbyist, leading to increased expenditures. Some boards fail to obtain approval of such contracts from the State Board of Examiners.
- J. The status of staff is not consistent among the boards. Some employees are members of the Public Employees' Retirement System; others participate in Social Security; and some are contractors, receiving few if any benefits at all.

If the Subcommittee wishes to address these concerns, it may wish to:

1. Include in its final report a summary of its findings and observations regarding the operations of the professional and occupational licensing boards;
2. Recommend the Legislature establish an interim study of the operations of the professional and occupational licensing boards during the 2019–2020 Interim.

Sale Request / Certificate Deposit Form

1. Account Number:

2. Company name or issue of stock you are selling:

3. Names and address as registered on Account:

4. Selling Shares:

Sell **ALL** shares in my account. The Plan will terminate. No additional boxes should be checked.

OR sell a **portion** of shares:

Sell Direct Registration shares
Number of Direct Registration shares to sell:

Sell Plan shares and terminate the Plan; move remaining full shares to Direct Registration.
Number of Plan shares to sell:

Sell Plan shares and do not terminate the Plan.
Number of Plan shares to sell:

5. Direct Deposit of Sale Proceeds to a United States Bank Account: (Direct deposit is optional; review the next page for more information.)

Checking account or Savings account (Include pre-printed voided check or savings deposit slip.)

ABA/Routing Number (begins with 0, 1, 2, or 3)

Bank Account Number

6. Certificate Deposit: Deposit the enclosed stock certificate shares into: Direct Registration or Plan To sell the deposited shares, also complete section 4 above.

7. Signatures of the Registered Owners: All owners must sign as they are registered on the account. If you are signing on behalf of a registered owner or business entity, review the next page for instructions.

Signature

Signature

8. Signatures on Behalf of the Registered Owners or Business Entity: If an owner is unable to sign, a legal representative such as a Power of Attorney, Custodian, or Successor Trustee may sign on behalf of the shareowner. List the title of the legal representative below their signature. Medallion Signature Guarantees can be obtained from financial institutions, including commercial banks, brokers, and credit unions.

If the names on the account need to be changed, or if a registered owner is deceased, a transfer must be completed. You may view instructions and download forms online at shareowneronline.com. Under Download Forms, select Stock Power and Transfer Instructions.

Medallion Signature Guarantee. Note to Guarantor: Medallion stamp must be fully legible and must not be dated or noted.

Signature: _____

Title: _____

Signature: _____

Title: _____



Additional information regarding this Sale Request / Certificate Deposit Form

Direct deposit of sale proceeds:

- Provide us your account type, ABA/routing number (begins with 0, 1, 2, or 3), and bank account number.
- Direct Deposit requests must include a corresponding pre-printed voided check or pre-printed savings deposit slip.
- If the names on your bank account do not match the names on your stock account a check will be issued.
- If information is incomplete or inaccurate a check will be issued.
- If Direct Deposit is not offered a check will be issued.
- If sale proceeds exceed \$10,000 a check will be issued.
- The account number in box one must be filled out correctly or a check will be issued.

Certificate deposit:

- It is important that you do not endorse your certificates.
- We recommend using traceable mail and insure the package for 3% of the current market value.

Medallion Signature Guarantee:

- A Medallion Signature Guarantee is a stamp you may obtain from an eligible Guarantor Institution such as a bank or a brokerage firm. To obtain the stamp, you will need to bring the form to the eligible Guarantor and complete this section in their presence.
- We suggest contacting your Guarantor institution for their document requirements to obtain the stamp.
- Please note the stamp must be legible and may not be dated or annotated. A Notary Seal is not a substitute for a Medallion Signature Guarantee.

All requests will be executed in accordance with the terms and conditions defined in your plan documents. Once a sale has been submitted to Shareowner Services, it cannot be modified or cancelled. You are unable to direct the date, time, or price at which the shares will be sold. The share price may fall or rise during the period between a request for sale, its receipt by Shareowner Services, and the actual sale in the open market. This price risk is assumed by the shareowners.

Mail your completed Sale Request Form to:

Shareowner Services
ATTN: Imaging Services
PO Box 64856
St Paul MN 55164-0856

If using a courier, please mail to:

Shareowner Services
ATTN: Imaging Services
1110 Centre Pointe Curve Suite 101
Mendota Heights MN 55120

Chiropractic Physicians' Board of Nevada

Policy Title: **Operating Reserve Fund**

Date Originated: 07/19/2018

I. PURPOSE: It is the fiduciary responsibility of the Chiropractic Physicians' Board of Nevada (CPBN) to safeguard the administration of the funds collected and expended in providing licensure and regulatory activities of the chiropractic physician and chiropractic assistant professions in the State of Nevada. This policy is written to ensure the ongoing financial integrity of the CPBN.

II. POLICY STATEMENT: Reserves provide a gauge of the financial strength of an agency. Reserves, or undesignated fund balances, are those unrestricted assets which are reasonably liquid and not otherwise budgeted for expenditures. The undesignated fund balance will include an Operating Reserve Fund to protect the organization when revenues fall short of expenses. **Most experts agree that if at least one year's operating expenses are "in reserve," the organization is in a strong financial position. To ensure continued and future reliability, this policy proposes to identify a target balance or threshold for the Operating Reserve Fund of at least 18 months - in cash holdings and in a money market account.**

III. PROCEDURE: The Board will establish an operating reserve fund out of the undesignated fund balance in an amount equal to **18 months' operating expenses** of the preceding year's budget or the total amount available, if less than 18 months' operating funds are available to be designated from the undesignated fund balance, as follows:

Risk Management includes cost recovery for events such as employee maliciousness, embezzlement, burglary, robbery, vandalism, insurance deductibles and non-insured events. A designation of **\$76,500** is recommended for risk management.

Disaster Recovery and Planning includes the cost of planning for and implementing a plan to return to at least minimal operations in the event of a natural disaster or an act of terrorism. A designation of **\$85,000** is recommended for disaster recovery and planning.

Leasehold Improvements includes such items as office renovation, relocation expenses, and improvements, to accommodate reorganization or improve customer service. A designation of **\$25,500** is recommended for leasehold improvements.

Technology Maintenance/Upgrades of existing database system software and hardware, to more efficiently carry out the licensure, renewal and discipline functions of the Board; and, to comply with state or federal reporting requirements. A designation of **\$42,500** is recommended for technology maintenance and upgrades.

Liability, law suits and legal counsel costs will ensure the Board retains funds to cover the unexpected legal and liability costs that may be encountered. A designation of **\$195,500** is recommended to ensure such costs are covered.

IV. This amount will be reviewed by the Board on an annual basis and adjusted as necessary.

1. The balance in the Operating Reserve Fund will be reviewed annually. The evaluation will determine the appropriate measures to ensure the continued financial efficacy of the Board. The findings of this evaluation will be submitted at the next regularly scheduled Board meeting.

2. The evaluation will include:

a. An examination of the market affecting funding including an increase/decrease in the number of licensees or changes in the regulatory environment.

b. A review of expenses to identify if fees/costs should be increased or reduced.

c. An evaluation of existing and future potential sources of funds.

d. If the reserve amount has been attained, whether any adjustment to the Board's fees should be made to avoid future accumulation of reserves.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Budget 2017/18 and 2018/19

	7/1/17-6/30/18 FY2018 <u>2017/18</u>	7/1/18-6/30/19 FY2019 <u>2018/19</u>	Total 2-Yr <u>Budget</u>
<i>Balance Forward from Previous Year</i>	<u>370,000</u>	<u>365,946</u>	<u>735,946</u>
Ordinary Income/Expense			
Income			
4000 - Licensing & Renewal Fees			
4010 - Active DC License	226,500	226,500	453,000
4020 - Inactive DC License	14,000	14,000	28,000
4030 - CA Certificate	22,000		22,000
4050 - Temp DC License	1,000	1,000	2,000
4055 - New DC License	6,750	6,750	13,500
Total 4000 - Licensing & Renewal Fees	<u>270,250</u>	<u>248,250</u>	<u>518,500</u>
4100 - Application Fees			
4050 - Temp DC Application	1,000	1,000	2,000
4110 - DC Application	7,200	7,200	14,400
4130 - CA Application	17,500	17,500	35,000
4150 - Preceptor Application	750	750	1,500
Total 4100 - Application Fees	<u>26,450</u>	<u>26,450</u>	<u>52,900</u>
4200 - Exam Fees			
4210 - DC Exam Fees	3,750	3,750	7,500
4230 - CA Exam Fees	5,625	5,625	11,250
Total 4200 - Exam Fees	<u>9,375</u>	<u>9,375</u>	<u>18,750</u>
4300 - Reimbursement Income	<u>34,018</u>	<u>30,484</u>	<u>64,502</u>
4400 - Reinstatement Fees	<u>7,500</u>	<u>7,500</u>	<u>15,000</u>
4500 - Interest/Dividend Income	<u>1,000</u>	<u>1,000</u>	<u>2,000</u>
4600 - Miscellaneous Income			
4610 - CE Approval Fees	20,000	20,000	40,000
4620 - Letter of Good Standing	250	250	500
4630 - License Verification	500	500	1,000
4640 - Labels/Lists	625	625	1,250
4650 - Misc. (fingerprint fees)	500	500	1,000
Total 4600 - Miscellaneous Income	<u>21,875</u>	<u>21,875</u>	<u>43,750</u>
TOTAL INCOME	<u>370,468</u>	<u>344,934</u>	<u>715,402</u>
TOTAL INCOME PLUS RESERVE	<u>740,468</u>	<u>710,880</u>	<u>1,451,348</u>

Expense	FY2018 <u>2017/18</u>	FY2019 <u>2018/19</u>	Total 2-Yr <u>Budget</u>
5000 - Payroll Salaries	<u>126,000</u>	<u>127,000</u>	<u>253,000</u>
5100 - Payroll Taxes			
5110 - Employer Medicare	2,175	2,247	4,422
5111 - Employer Social Security	2,790	2,790	5,580
5130 - NV Unemployment	2,275	2,275	4,550
Total 5100 - Payroll Taxes	<u>7,240</u>	<u>7,312</u>	<u>14,552</u>
5200 - Payroll Benefits			
5210 - Retirement - PERS	31,857	31,857	63,714
5220 - Health Ins - PEBP	21,000	21,000	42,000
5230 - Workman Comp Ins	5,750	6,000	11,750
5240 - Payroll Processing -Quickbooks	450	450	900
Total 5200 - Payroll Benefits	<u>59,057</u>	<u>59,307</u>	<u>118,364</u>
5399 - Board Expenses			
5310 - Board Salaries	10,000	10,000	20,000
5400 - Travel			
5410 - In State	10,000	10,000	20,000
5420 - Out of State	10,000	10,000	20,000
Total 5400 - Travel	<u>20,000</u>	<u>20,000</u>	<u>40,000</u>
5500 - General Administrative			
5505 - Background Checks	7,000	7,000	14,000
5510 - Rent - Board Office	14,205	14,258	28,463
5515 - Telephone	4,000	4,000	8,000
5520 - Operating Supplies	4,000	4,000	8,000
5525 - Postage	5,000	5,000	10,000
5530 - Printing/Copying	3,500	3,500	7,000
5535 - Dues/Registrations	4,000	4,000	8,000
5540 - Insurance - Genl Lia.	1,500	1,500	3,000
5545 - Computer, IT, etc.	12,500	12,500	25,000
5560 - Banking	7,000	7,000	14,000
5565 - PayPal Credit Card Svc.	720	720	1,440
5570 - Casual Labor	5,000	4,000	9,000
Total 5500 - General Administrative	<u>68,425</u>	<u>67,478</u>	<u>135,903</u>

	<u>FY2018</u> <u>2017-2018</u>	<u>FY2019</u> <u>2018-2019</u>	<u>Total 2-Yr</u> <u>Budget</u>
Expense (Cont'd)			
5600 - Professional Fees			
5610 - Accounting/Audit	11,000	11,000	22,000
5640 - Exams	300	300	600
5650 - Investigators	10,000	10,000	20,000
5660 - Outside Attorneys	42,500	42,500	85,000
5670 - Lobbyist	18,000	36,000	54,000
Total 5600 - Professional Fees	<u>81,800</u>	<u>99,800</u>	<u>181,600</u>
 TOTAL EXPENSES	 372,522	 390,897	 763,419
	372,522	390,897	763,419
 EQUIPMENT PURCHASES	 2,000	 2,000	 4,000
	 <u>RESERVE</u>	 <u>365,946</u>	 <u>317,983</u>
	 <u>365,946</u>	 <u>317,983</u>	 <u>683,929</u>

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 22 Discussion/possible action regarding testifying as an expert without a Nevada DC license. – For possible action.

RECOMMENDED MOTION: No recommendation.

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: July 19, 2018

TIME REQUIRED: 10 minutes

BACKGROUND INFORMATION: The Board is in receipt of complaint 18-08S which prompted this agenda item. The complaint follows a judge's ruling, that in order to be an expert reviewing chiropractic patient's records the chiropractor must be licensed in Nevada. In this case, the judge issued an Order Granting Plaintiffs' Motion to Strike the Trial Testimony of the defendant's expert since they were not a licensed chiropractor in Nevada.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 23 Consideration to allow electronic signatures on certain Board applications and forms – For possible action.

RECOMMENDED MOTION:

- 1. Recommend approval to allow electronic signatures on all Board applications and forms with the exception of the Application for Licensure as a Doctor of Chiropractic using Sign Now for \$180.00 per year.**
or
- 2. Recommend approval to allow electronic signatures on all Board applications and forms with the exception of the Application for Licensure as a Doctor of Chiropractic using fax or email.**

PREPARED BY: Julie Strandberg

MEETING DATE: July 19, 2018

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: At the 4/12/18 meeting the Board discussed the possibility of allowing electronic signature on certain Board forms/applications to expedite services. It was recommended that the Board utilize a DocUSign type service, which will be discussed.

Mr. Ling confirmed (see attached) that the only form/application that requires a notary is the DC application for licensure.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Chapter XX

Electronic Signatures

The use of electronic signatures on certain forms will allow the approval process to be expedited and handled more efficiently.

The Board shall allow the following forms be submitted by email through Sign Now in lieu of receiving the original signed documents.

- DC Licensing Information and Application Request Form
- Active DC Renewal Application
- Inactive DC Renewal Application
- Application for Re-Activation of License to Practice Chiropractic
- Application for Chiropractor's Assistant Certificate
- Application for Temporary License
- Renewal of Chiropractor's Assistant Application
- Reinstatement of Chiropractor's Assistant Application
- Preceptor Program Applications
- Continuing Education Requirements and Application

The following applications MUST be notarized and the original application submitted to the Board.

- Application for Licensure as a Doctor of Chiropractic

Julie Strandberg

Subject: Notarized Documents

From: Louis Ling [<mailto:louisling@me.com>]
Sent: Friday, May 18, 2018 11:51 AM
To: Julie Strandberg <chirobd@chirobd.nv.gov>
Subject: Re: Notarized Documents

Julie:

Regarding your question about electronic forms, I have reviewed all of the Board's statutes and regulations, and there is only one document that **MUST** have a hand-written signature, and that is the initial application for licensure by a chiropractic physician. NRS 634.080(3) requires that the application be "verified," and my research shows that a "verified" signature requires notarization. All other documents and forms can be submitted to the Board electronically because they do not require a "verified" signature.

There is an electronic notarization allowed under NRS 240.181 - NRS 240.206, but in my opinion, it would be as unwieldy for our DC applicants as getting a paper notarization on a paper application. If you want me to look into it further, I would be glad to.

My conclusion is that we can remove notarization requirements from any application other than our initial licensure application for DCs, and we can thereafter accept electronically signed and filed forms for anything other than the initial application for licensure by a DC.

If you have any questions, let me know.

Louis

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 24** Consideration to revise the Self-Inspection Board policy – For possible action.

RECOMMENDED MOTION:

PRESENTED BY: **Julie Strandberg**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **See the proposed revisions to the Self-Inspection Board policy attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Chapter 19

SELF-INSPECTION FORM

The Board shall ~~require~~ recommend that all licensees ~~to~~ fully complete a self-inspection form annually for the purpose of educating Doctors regarding changes in the law or to prevent Doctors from unintended non-compliance of the law regarding matters that have become frequent disciplinary issues.

~~NAC 634.430(h) Failing to make any report or record available to the Board upon lawful request, failing to cooperate with any investigation by the Board or knowingly giving false information to the Board.~~

November 6, 2009

Motion: Rovetti
Second: Jackson
Passed: Unanimously

September 6, 2014 - Amended

No motion; full agreement by Board

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 25 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634 – For possible action**

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Jason O. Jaeger, DC/Ben Lurie, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

- A. Mandatory Self-Inspection report (NAC 634.419)**
- B. Fines for not meeting deadlines. i.e. Self-Inspection (NAC 634.419)**
- C. Fine for untimely submission of a CA's second application (NAC 634.305)**
- D. Allow DC's to perform Dry Needling**
- E. NBCE Parts I-IV (potential revision pursuant to CCE) (NRS 634.090)**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

NAC 634.419 Authorization of person to provide other services for patients in office of licensee. (NRS 634.030)

1. A licensee may authorize a person to provide services for his or her patients in the office of the licensee, other than chiropractic or clerical services, only if the licensee submits the information required by subsection 2 to the Board, on a form prescribed by the Board, at least 15 days before the person commences providing the services.

2. The form prescribed by the Board pursuant to subsection 1 must include:

- (a) The name, business telephone number and license number of the licensee;
- (b) The name of the person who will be providing the services for the patients of the licensee;
- (c) The type of services that the person will be providing for the patients of the licensee;
- (d) The address of the location at which the person will be providing the services for the patients of the licensee;
- (e) The date on which the person will begin providing the services for the patients of the licensee;

(f) A statement indicating that the person will not be providing chiropractic services, including, without limitation, taking radiographs, and services that involve the use of physiotherapeutic equipment;

(g) A statement indicating whether the person who will be providing the services is an employee of the licensee or is retained by the licensee as an independent contractor;

(h) A copy of any license or certificate that authorizes the person to provide the services that he or she will be providing for the patients of the licensee;

(i) A statement indicating that the licensee will ensure that a copy of any license or certificate that is provided to the Board pursuant to paragraph (h) is available to each patient of the licensee for whom the person provides services; and

(j) The signature of the licensee.

3. A licensee shall ensure that each employee of the licensee who provides services for the patients of the licensee in the office of the licensee, other than chiropractic or clerical services, provides those services only under the direct supervision of the licensee.

4. A licensee who authorizes an independent contractor to provide services in the office of the licensee pursuant to the provisions of this section shall establish procedures which ensure that each patient of the licensee to whom the independent contractor provides services is notified that:

- (a) The independent contractor is not an employee of the licensee;
- (b) The services provided by the independent contractor in the office of the licensee are not provided under the supervision or control of the licensee; and
- (c) The licensee will not bill the patient or the insurance company of the patient for any services provided by the independent contractor.

5. A licensee shall notify the Board within 15 days after an employee or independent contractor who is authorized pursuant to this section to provide services to the patients of the licensee leaves the employ of or is no longer retained by the licensee.

(Added to NAC by Chiropractic Physicians' Bd. by R140-05, eff. 11-17-2005; A by R150-13, 3-28-2014)

NAC 634.305 Examination for certification as chiropractor's assistant. (NRS 634.030)

1. At least once each year, the Board will administer an examination to applicants for a certificate as a chiropractor's assistant.

2. The examination will consist of the following subjects, including, without limitation:

- (a) Radiographic technology, protection, quality control and positioning of the patient;
- (b) Ancillary procedures and applications relating to chiropractic; and
- (c) The provisions of NRS and NAC that are related to the practice of chiropractic.

3. An applicant who receives a score of at least 75 percent on the examination is entitled to a certificate as a chiropractor's assistant.

4. If an applicant fails to receive a score of at least 75 percent on the examination the first time he or she takes the examination, the applicant may retake the examination within 1 year without payment of an additional fee.

5. If an applicant who receives training and employment as a chiropractor's assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#) fails to receive a score of at least 75 percent on the examination after two attempts and wishes to continue working as a chiropractor's assistant trainee, the supervising licensee must, within 30 days after the date of the notice from the Board of the results of the examination, submit a plan for additional training to the Board. The chair of the test committee will:

(a) Approve or deny the plan; and

(b) Determine whether the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee.

6. If, pursuant to paragraph (b) of subsection 5, the chair of the test committee determines that a chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee, the chiropractor's assistant trainee may continue working as a chiropractor's assistant trainee if he or she:

(a) Pursuant to [NAC 634.350](#), submits a new application for a certificate as a chiropractor's assistant and pays the required fee; and

(b) Provides the chair of the test committee with proof that the chiropractor's assistant trainee is enrolled in an educational course in a subject described in subsection 2.

7. If a chiropractor's assistant trainee who has submitted an application pursuant to paragraph (a) of subsection 6 fails to pass any portion of the examination after two attempts, the chiropractor's assistant trainee shall not work as a chiropractor's assistant trainee until the chiropractor's assistant trainee has passed all the portions of the examination.

8. An applicant for a certificate as a chiropractor's assistant who fails on two occasions to appear for an examination that he or she has been scheduled to take:

(a) Shall be deemed to have withdrawn his or her application;

(b) Forfeits any application fees paid to the Board; and

(c) Must, if he or she has been receiving training and employment as a chiropractor's assistant trainee pursuant to subparagraph (2) of paragraph (a) of subsection 2 of [NAC 634.355](#), cease working as a chiropractor's assistant trainee.

↪ If the applicant applies thereafter for a certificate, the applicant must establish eligibility for the certificate in accordance with the provisions of this chapter and [chapter 634](#) of NRS.

9. As used in this section, "chair of the test committee" means the member of the Board who is assigned by the Board to serve as the chair of the committee that is created by the Board to administer an examination to applicants for a certificate as a chiropractor's assistant.

(Added to NAC by Bd. of Chiropractic Exam'rs, eff. 5-13-82; A 1-31-94; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R095-03, 10-22-2003; R014-10, 5-5-2011)

10. If a licensee fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an odd-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to [NRS 634.129](#); or

(d) Submit all information required to complete the renewal,

↳ the license automatically expires and, except as otherwise provided in [NRS 634.131](#), may be reinstated only upon the payment, by January 1 of the even-numbered year following the year in which the license expired, of the required fee for reinstatement in addition to the renewal fee.

11. If a holder of a certificate as a chiropractor's assistant fails to:

(a) Except as otherwise provided in subsection 9, pay the renewal fee by January 1 of an even-numbered year;

(b) Except as otherwise provided in subsection 5 or 6, submit proof of continuing education pursuant to subsection 4;

(c) Notify the Board of a change in the location of his or her office pursuant to [NRS 634.129](#); or

(d) Submit all information required to complete the renewal,

↳ the certificate automatically expires and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

[Part 8:23:1923; A 1951, 258]—(NRS A 1963, 279; [1969, 349](#); [1971, 358](#); [1975, 642](#); [1977, 965](#); [1981, 1340](#); [1983, 422](#); [1991, 2084](#); [1993, 331](#); [1995, 2750](#); [1997, 821, 2131](#); [2003, 3446](#); [2005, 2730, 2807, 2817](#); [2007, 2935](#); [2011, 1821](#); [2013, 549](#); [2015, 511](#))

NRS 634.090 Licenses: Qualifications of applicants.

1. An applicant must, in addition to the requirements of [NRS 634.070](#) and [634.080](#), furnish satisfactory evidence to the Board:

(a) That the applicant is of good moral character;

(b) Except as otherwise provided in subsections 2 and 5, not less than 60 days before the date of the examination, that the applicant has a high school education and is a graduate from a college of chiropractic which is accredited by the Council on Chiropractic Education or which has a reciprocal agreement with the Council on Chiropractic Education or any governmental accrediting agency, whose minimum course of study leading to the degree of doctor of chiropractic consists of not less than 4,000 hours of credit which includes instruction in each of the following subjects:

- (1) Anatomy;
- (2) Bacteriology;
- (3) Chiropractic theory and practice;
- (4) Diagnosis and chiropractic analysis;
- (5) Elementary chemistry and toxicology;
- (6) Histology;
- (7) Hygiene and sanitation;
- (8) Obstetrics and gynecology;
- (9) Pathology;
- (10) Physiology; and
- (11) Physiotherapy; and

(c) That the applicant:

(1) Holds certificates which indicate that he or she has passed parts I, II, III and IV, and the portion relating to physiotherapy, of the examination administered by the National Board of Chiropractic Examiners; or

(2) Has actively practiced chiropractic in another state for not fewer than 7 of the immediately preceding 10 years without having any adverse disciplinary action taken against him or her.

2. The Board may, for good cause shown, waive the requirement for a particular applicant that the college of chiropractic from which the applicant graduated must be accredited by the Council on Chiropractic Education or have a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

3. Except as otherwise provided in subsections 4 and 5, every applicant is required to submit evidence of the successful completion of not less than 60 credit hours at an accredited college or university.

4. Any applicant who has been licensed to practice in another state, and has been in practice for not less than 5 years, is not required to comply with the provisions of subsection 3.

5. If an applicant has received his or her training and education at a school or college located in a foreign country, the Board may, if the Board determines that such training and education is substantially equivalent to graduation from a college of chiropractic that is accredited by the Council on Chiropractic Education and otherwise meets the requirements specified in paragraph (b) of subsection 1, waive the requirement that an applicant attend or graduate from a college that:

(a) Is accredited by the Council on Chiropractic Education; or

(b) Has a reciprocal agreement with the Council on Chiropractic Education or a governmental accrediting agency.

[Part 7:23:1923; A 1929, 280; [1949, 655](#); [1951, 258](#); [1955, 506](#)] — (NRS A [1965, 352](#); [1971, 562](#); [1975, 118](#); [1983, 421](#); [1991, 2082](#); [1997, 820](#); [2001, 5](#); [2003, 3445](#); [2015, 510](#))

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 26** Establish date(s) for the 2019 CA Exam – For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

- A. In-person Exam – February & August**
- B. 1st & 3rd Testers – First Tuesday of each month**
- C. 2nd & 4th Testers - First Wednesday of each month**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 27 Discuss Power Poll results – For possible action.**

A. CBD

B. Grade V Mobilization

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Jason O. Jaeger, DC/Louis Ling, Esq.**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION: **See attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

PowerPoll CBD
 NV 1-29-2018

Q1: Has your board discussed the use or sale of CBD (cannabinoid in a hemp tincture) in the chiropractic practice?

Q2: If so has your board taken a stance on this? How is your board handling this?

Board	Q1	Q2
Arizona	No	
Arkansas	<p>June of 2017 the AR Board received a letter from a vendor asking if he was allowed to sell a new topical analgesic to chiropractors in Arkansas. The ingredients are the same as Bio Freeze and Ortho Gel and made from hemp oil. A letter was sent referring him to Arkansas law (17-81-102(6)(A) The practice of chiropractic includes therapy, the normal regimen, and rehabilitation of the patient for the purpose of removing any injury, deformity or abnormality of human beings without the use of drugs or surgery). If he responds, he will be directed to seek advice from his attorney. (Arkansas State Board of Chiropractic Examiners Board Meeting / June 20, 2017)</p>	Arkansas has not taken any other stances or actions at this time.
Florida	No	
Idaho	No	
Illinois	<p>The issue of CBD has not come up to my knowledge. However, I'm fairly certain that if it does, we will not allow it. Our medical cannabis act is very strict in separating dispensaries from practices and Our definition of chiropractor would not allow this (we'd consider it a drug)</p>	
Minnesota	No	
Missouri	No	
Ohio	No	
Oklahoma	We have not addressed CBD	
South Dakota	It hasn't come up yet	
Texas	<p>The State of Texas enacted the Texas Compassionate Use Act in 2015 allowing for the use of low-level cannabidiol. The state law mandates that all sellers be licensed by the Texas Department of Public Safety. The Texas Act restricts the use of cannabidoil to the treatment of intractable epilepsy only. The treatment of epilepsy is outside of the scope of practice for a Texas-licensed chiropractor.</p>	
Utah	No	

PowerPoll CBD
 NV 1-29-2018

Q1: Has your board discussed the use or sale of CBD (cannabinoid in a hemp tincture) in the chiropractic practice?

Q2: If so has your board taken a stance on this? How is your board handling this?

Board	Q1	Q2
Washington	<p>Yes, and the following statement was taken out of their June 8, 2017 business meeting minutes. RCW 69.50.575. is the law that comes out of the Uniform Controlled Substances Act http://app.leg.wa.gov/RCW/default.aspx?cite=69.50: “Committee members continued reviewing a Classification of Chiropractic Procedures and Instrumentation List request pertaining to the use of hemp oil for pain relief, and the chiropractic scope of practice in RCW 18.25.005. The chiropractic scope of practice does not include the prescription or dispensing of any medicine or drug. The Commission cannot provide legal advice. If you have specific questions about whether a treatment modality is within your scope of practice as a chiropractor, you should consult an attorney.”</p>	<p>The chiropractic scope of practice does not include the prescription or dispensing of any medicine or drug. The Commission cannot provide legal advice. If you have specific questions about whether a treatment modality is within your scope of practice as a chiropractor, you should consult an attorney.</p>
West Virginia	No	

PowerPoll - Grade V Mobilization by PTS
Nevada 3/28/2018

Board	In your jurisdiction, are physical therapists allowed to perform Grade V (5) mobilization and manipulation?
Alabama	We would have to contact the Alabama Physical Therapist board for their answer as we are not allowed to interfere with other healthcare professional board interpretations.
Arizona	Yes, According to the Director of the Arizona Physical Therapy Board
Arkansas	Not to my knowledge
DC	The DC Board of Chiropractic does not oversee Physical Therapists, as they are licensed by the Board of Physical Therapy. You can reach the Board of Physical Therapy at Robin Jenkins (robin.jenkins2@dc.gov).
Georgia	The terms mobilization and manipulation are not used within our statute; therefore, I cannot state with any certainty if this particular technique is within or excluded from the scope of practice. The statute allows PTs to alleviate impairments of body structure or function by designing, implementing, and modifying interventions to improve activity limitations or participation restrictions for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.
Illinois	Our PT act is not very specific, so yes PTs can assert that it's within their scope of practice and perform Grade V manipulation.
Louisiana	No info on this.
Minnesota	Minnesota Statute: 148.65 DEFINITIONS. §Subdivision 1. Physical therapy. As used in sections 148.65 to 148.78 the term "physical therapy" means the evaluation or treatment or both of any person by the employment of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. Physical measures shall include but shall not be limited to heat or cold, air, light, water, electricity and sound. Physical therapy includes evaluation other than medical diagnosis, treatment planning, treatment, documentation, performance of appropriate tests and measurement, interpretation of orders or referrals, instruction, consultative services, and supervision of supportive personnel. "Physical therapy" does not include the practice of medicine as defined in section 147.081, or the practice of chiropractic as defined in section 148.01.
Missouri	Unable to respond to question
North Carolina	No
Ohio	Manipulation, yes. Grade V mobilization, not sure, but probably.
Tennessee	A link to the Scope of Practice for Physical Therapists in Tennessee as promulgated in Tenn. Compilation of Rules & Regs., Chapter 1150-01 can be found under Rule 1150-01-.02, a link to which is placed here for your reference - http://publications.tnsosfiles.com/rules/1150/1150-01.20160629.pdf .
Virginia	You'd need to contact the board of physical therapy

PowerPoll - Grade V Mobilization by PTS
Nevada 3/28/2018

Board	In your jurisdiction, are physical therapists allowed to perform Grade V (5) mobilization and manipulation?
West Virginia	No
Wyoming	Yes

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 28 Correspondence Report – No action**

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Jason O. Jaeger, DC/Julie Strandberg**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **See attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued



ADMINISTRATIVE OFFICE
8049 N. 85th Way—SCOTTSDALE, AZ 85258-4321—TEL: 480-443-8877—FAX 480-483-7333

- MEMORANDUM -

DATE: January 29, 2018
TO: National & State Professional Organizations/Associations
FROM: Craig S. Little, D.C., M.Ed., President
CC: CCE Administrative Office
RE: CCE *Bylaws* and *Manual of Policies*, January 2018 editions

The Council on Chiropractic Education (CCE) reviewed proposals and approved revisions to the *CCE Bylaws* and *Manual of Policies* at the Annual Council Meeting on January 12, 2018. The documents may be viewed via the CCE website at www.cce-usa.org under the “Publications” tab.

To assist in your review, the following summary provides a list of those bylaws and policies that were revised during this process along with a brief explanation of the revisions and/or process leading up to the change for your information:

CCE Bylaws

Based on recommendations from the Standing Committee Structure Task Force, the Council restructured the Council Executive Committee (CEC) from 7 to 5 members, forming a five-member body to include: Council Chair; Associate Chair; Treasurer; Councilor at Large; and President/CEO and adopted a minimum two-year term for CEC members with a two-term (4 year) term limit for any position. The Council retained the Site Team Academy Committee (STAC) and will staff it with a balance of Academy and Council members. The Council Finance Committee and Bylaws, Standards & Policies Committee were removed to promote efficiency and eliminate redundancy in CCE processes. The Bylaws were also revised for clarity and revisions were approved in the following areas:

- Section 5.14, Voting page 5
(added electronic voting option)
- Section 6.03(a), Nomination and Election pages 8
(revised language due to change in committee structure)
- Section 8.01, Officers pages 13
(revised language due to change in committee structure)
- Section 8.02(a), Election and Term of Office pages 13
(revised terms of Council Executive Committee)

- Section 8.06, Associate Chair (added language for Associate Chair position) pages 14
- Section 8.07, Treasurer (added language for Treasurer position) pages 14
- Section 8.09, CCE Administrative Office (added language to President responsibilities) pages 14-15
- Section 8.10(a)(1), Council Executive Committee, Composition (revised language for composition of Council Executive Committee from 7 to 5 members) pages 15
- Section 8.10(b), Council Development Committee (revised language due to change in committee structure) pages 16-17
- Section 8.10(c), Site Team Academy Committee (revised language due to change in committee structure; added language to include two Academy members on committee) pages 17-18
- Section 8.10(d), Audit Committee (revised language due to change in committee structure) pages 18-19

CCE Manual of Policies

- Policy 1 Substantive Change (revised dates applications must be received to allow for scheduling on the Council meeting agenda) page 3
- Policy 8 Appeals of Decisions by the Council (revised language due to change in committee structure) page 14
- Policy 24 Authority, Responsibility and Action Regarding CCE Bylaws (revised language due to change in committee structure) page 36
- Policy 25 Authority, Responsibility and Action Regarding CCE Policies (revised language due to change in committee structure) page 37
- Policy 29 CCE Election Processes (revised language due to change in committee structure) pages 38-39
- Policy 45 Council Executive Committee Elections (revised language due to change in composition of Council Executive Committee) page 42
- Policy 73 Financial Actions (revised language due to change in committee structure) page 54

If further information is necessary, please contact Mr. Ray Bennett, Vice President for Accreditation & Operations, in the CCE Administrative Office at your convenience.



Announcement CCE Accreditation Standards

In accordance with CCE Policy 23, *Authority, Responsibility and Action Regarding CCE Standards*, the Council on Chiropractic Education (CCE) determined that portions of the Standards (in Section 1 only) were in need of clarification to remain compliant with USDE criteria/requirements and as a result completed a review process for revision of the standards. On September 29, 2017, CCE sent an announcement to all constituents and posted the proposed revisions to the website for a public comment period from October 1 – November 30, 2017 regarding the proposed revisions that were limited in scope to Section 1 of the CCE Accreditation Standards. At its January 2018 annual meeting, the Council reviewed the proposed revisions and public comments, and approved the Standards by unanimous vote.

NOTE: There were six (6) public comments received during this process with four (4) in favor of the revisions as proposed and two (2) others with comments and suggested changes.

Periodic review of accreditation standards is not only necessary to satisfy USDE requirements, but it is also an essential responsibility of an accrediting agency to continually monitor and improve its effectiveness, and thereby provide a means to ensure continuous quality improvement in its accredited programs and institutions.

The following information summarizes changes that occurred during the revision process:

- Clarified accreditation actions language;
- Moved 'Deferral' action description to separate location for consistency;
- Revised noncompliance actions for compliance and clarity regarding USDE requirements; and,
- Revised notification language from 'state' to 'jurisdictional' licensing boards.

Please feel free to disseminate this announcement to your constituents, volunteer leadership, and/or staff. This announcement may also be viewed on the homepage of our website at www.cce-usa.org.



COUNCIL ON CHIROPRACTIC EDUCATION®
8049 NORTH 85TH WAY - SCOTTSDALE, AZ 85258-4321
PHONE: 480-443-8877 - FAX: 480-483-7333

ACCREDITATION ACTIONS
- ANNOUNCEMENT -

February 2, 2018

Annual Council Meeting
January 12-13, 2018

The Council on Chiropractic Education (CCE) is the agency recognized by the U.S. Department of Education (USDE) and the Council for Higher Education Accreditation (CHEA) for accreditation of programs leading to the Doctor of Chiropractic (DC) degree and single-purpose institutions offering the Doctor of Chiropractic Program. CCE seeks to ensure the quality of chiropractic education in the United States by means of accreditation, educational improvement and public information. CCE develops accreditation criteria to assess how effectively programs or institutions plan, implement and evaluate their mission and goals, program objectives, inputs, resources and outcomes of their chiropractic programs. The CCE is also a member of the Association of Specialized and Professional Accreditors (ASPA) and the CHEA International Quality Group (CIQG).

The following are the accreditation actions taken by the Council at its Annual Meeting:

Reaffirmation of Accreditation (8-Year Cycle) – *The process for reaffirmation of accreditation begins with the program providing a letter of intent to seek continued accreditation with CCE. Approximately 12 months later, the program provides the Council with their Self-Study Report (self-assessment of their program based on the current CCE Accreditation Standards). A peer review site visit is conducted at the program to verify and validate the information presented in the self-study report. Lastly, the Council reviews the self-study report, the program response to the site visit report and meets with program representatives in a status review meeting where the Council determines if the program meets the Standards and subsequently makes a decision to reaffirm, defer or revoke the accreditation status of the program and/or impose sanctions, if applicable.*

National University of Health Sciences
Doctor of Chiropractic Medicine Program
200 East Roosevelt Road
Lombard, IL 60148

Additional Educational Site

- 7200 66th Street North, Pinellas Park, FL 33781

Joseph P. D. Stiefel, Ed.D., D.C., President
Accreditation Action: Reaffirmation
Next Comprehensive Site Visit: Fall 2025

Interim Site Visits - *Interim Site Visits are conducted midway through the accreditation cycle of a program and focus on the major elements of the CCE Accreditation Standards, to include; planning, assessment, finance, faculty, distance/correspondence education and student learning outcomes and meta-competencies. This visit also provides an opportunity for dialogue and collegiality between the*

program and the Council. The Council reviews the program interim report, the response to the site visit report and meets with program representatives (optional) in a progress review meeting where the Council determines if the program meets the Standards and subsequently makes a decision to continue, defer or revoke the accreditation status of the program and/or impose sanctions, if applicable.

Cleveland University – Kansas City
College of Chiropractic
10850 Lowell Avenue
Overland Park, KS 66210
Carl S. Cleveland, III, D.C., President
Accreditation Action: Continued
Next Comprehensive Site Visit: Fall 2021

Initial Accreditation - *The process for initial accreditation begins with the program submitting an application, which includes; a letter of intent to seek accreditation with CCE and evidence of the requirements of eligibility (based on the respective CCE Standards). Following review, the Council determines if further documentation is required or establishes timelines for the program regarding the self-study report, peer review site visit and status review meeting where the Council determines if the program meets the Standards and subsequently makes a decision to award, defer or deny the accreditation status of the program.*

None

Program Characteristics Reports (PCRs) - *PCRs are submitted by programs every 4 years and in-between their reaffirmation and interim site visit schedule. These reports are required as one of the reporting requirements the Council utilizes to continue its monitoring and reevaluation of its accredited programs, at regularly established intervals, to ensure the programs remain in compliance with the CCE Accreditation Standards in accordance with US Department of Education (USDOE) and Council for Higher Education Accreditation (CHEA) criteria. The Council reviews the report in a progress review meeting where the Council determines if the program meets the Standards and subsequently makes a decision to continue, defer or revoke the accreditation status of the program and/or impose sanctions, if applicable.*

Palmer College of Chiropractic
1000 Brady Street
Davenport, IA 52803
Branch Campuses
- 4777 City Center Parkway, Port Orange, FL 32129
- 90 East Tasman Drive, San Jose, CA 95134
Dennis Marchiori, D.C., Ph.D., Chancellor
Accreditation Action: Reaffirmation
Next Comprehensive Site Visit: Fall 2023

Progress Reports - *Progress reports are submitted as requested by the Council and may address; 1) previously identified areas of noncompliance with accreditation requirements, or, 2) areas that require monitoring.*

The Council conducted review of four (4) progress reports.

Program Enrollment & Admissions Reports (PEARs) - *PEARs are annual reports submitted by programs at the end of each calendar year. These reports are required by the Council to monitor the overall growth of its accredited programs, in accordance with US Department of Education (USDOE) criteria, as well as review of program admission requirements/data in accordance with CCE policies and procedures.*

The Council conducted reviews of the following (15) program PEARs (listed alphabetically):

Cleveland University – KC, College of Chiropractic, Overland Park, KS
D’Youville College – Doctor of Chiropractic Program, Buffalo, NY
Life Chiropractic College West, Hayward, CA
Life University – College of Chiropractic, Marietta, GA
Logan University - College of Chiropractic, Chesterfield, MO
So. Calif. University of Health Sciences - Los Angeles College of Chiropractic, Whittier, CA
National University of Health Sciences, Lombard, IL & Pinellas Park, FL
New York Chiropractic College, Seneca Falls, NY
Northwestern Health Sciences University - College of Chiropractic, Bloomington, MN
Palmer College of Chiropractic, Davenport, IA; San Jose, CA & Port Orange, FL
Parker University – College of Chiropractic, Dallas, TX
Sherman College of Chiropractic, Spartanburg, SC
Texas Chiropractic College, Pasadena, TX
University of Bridgeport – College of Chiropractic, Bridgeport, CT
University of Western States – College of Chiropractic, Portland, OR

Distribution:

Council
CCE Members & DCP Presidents/CEOs
Accreditation Liaisons
Academy of Site Team Visitors
National Professional Organizations/Associations (ACA, ACC, COCSA, FCLB, ICA & NBCE)
National, Regional & Specialized Accrediting Agencies
State/Jurisdictional Licensing Boards
U. S. Department of Education (ASL Records Manager)
Council for Higher Education Accreditation

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 29 Board Member Comments – No action**

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Board members may comment on any topic but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **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

RECOMMENDED MOTION: **Non-Action item.**

PREPARED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **3 minutes per person per topic**

BACKGROUND INFORMATION: **The public may speak to the Board about any topic not on the agenda but no action may be taken.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 31** Adjournment – For possible action

RECOMMENDED MOTION: **Adjourn the meeting.**

PRESENTED BY: **Jason O. Jaeger, DC**

MEETING DATE: **July 19, 2018**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The meeting should be formally adjourned when all matters on the agenda have been addressed.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued