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President
Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
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Maggie Colucci, DC
Member
Nicole Canada, DC
Member
Tracy DiFillippo, Esq.
Consumer Member
John Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, August 29, 2019 at the Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502.

The following Board members were present at roll call:

Jason O. Jaeger, DC, President
Maggie Colucci, DC, Member
Nicole Canada, DC, Member
John Bertoldo, Esq., Consumer Member

Also present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg.

President, Dr. Jaeger determined a quorum was present and called the meeting to order at 8:33 a.m.

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

Agenda Item 1 Public Interest Comments - No action.

There were no public comments.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 3 Approval of the June 13, 2019 Board Meeting Minutes. - For possible action.

Dr. Colucci moved to approve the June 13, 2019 meeting minutes. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Jaeger recommended that agenda item 6 be revised for clarity with respect to the sentence that reads as follows, due to Mr. Musgrove's negative response with respect to representing another chiropractic bill.

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

A. District I & IV Meeting – Coeur D Alene, ID – October 3-6, 2019

B. Other FCLB/NBCE Matters

Dr. Colucci stated that she will be in attendance at the District meeting and will report back to the Board.

Agenda Item 8 Consideration of attendees at the January 23-26, 2020 FARB Forum in Colorado Springs, CO – For possible action.

Dr. Colucci expressed interest in attending. Dr. Jaeger made a motion to approve Dr. Colucci's attendance. Mr. Bertoldo seconded, and the motion passed with all in favor.

Agenda Item 10 Committee Reports

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

This item was tabled until the next Board meeting.

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

Dr. Jaeger indicated that the 2019 legislative session was successful for the Board with its bill passing to include dry needling and other positive revisions to the Boards' laws.

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

Julie Strandberg reported that there are currently four pending preceptor applications.

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

Julie Strandberg stated that it would be beneficial to allow CA's the option to take the exams on-line.

Agenda Item 12 Discussion and potential action regarding the power poll results regarding education received in a foreign country. – For possible action.

Dr. Jaeger summarized the power poll results and noted that some foreign country colleges do not graduate with a doctor of chiropractic, but a masters in chiropractic. Following discussion, Mr. Ling recommended that the Board provide a policy for staff to follow with respect to approving applicants who graduate from a foreign school.

Dr. Jaeger stated that there has been discussion about chiropractic colleges opening campuses in foreign countries as well as in Nevada, which would offer a doctor of chiropractic degree.

Agenda Item 6 Discussion and potential action regarding a policy to set the percentage of licensees to be randomly audited for continuing education for chiropractic physician's and chiropractor's assistants – For possible action.

Dr. Jaeger recommended that the percent of audited DC and CA licenses for continuing education be 20%. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 11 Discussion and potential action regarding CA applicants who misrepresent response(s) on their application – For possible action.

Julie Strandberg provided a summary of the discussion led by Dr. Martinez during the June 13, 2019 Board meeting. Dr. Jaeger recommended that this item be tabled until the next Board meeting.

Agenda Item 9 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 17-28S (Colucci)

Mr. Ling stated that this complaint is due to the DC not self-reporting a malpractice claim. Mr. Ling stated that he will prepare a settlement agreement to be presented to the DC and his attorney.

A. Complaint 17-24S (Jaeger)

Dr. Jaeger stated that the complainant alleged that the DC was instructing CA's to deliver and distribute marijuana. As the investigation continued other issues transpired which led to a pending felony conviction that was complied with. Dr. Jaeger recommended that this complaint be dismissed. Dr. Colucci moved to dismiss complaint 17-24S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

C. Complaint 18-08S (Jaeger)

Dr. Jaeger stated that the complainant alleged that an out-of-state DC is providing record reviews on Nevada patients. Dr. Jaeger stated that pursuant to the March 26, 2019 Attorney General Opinion the DC must be licensed in Nevada, so he worked with Mr. Ling to develop a system to communicate the rules and put the DC on notice. The DC was given a choice to obtain a Nevada DC license or to not obtain a Nevada DC license by signing the Board's agreement. Dr. Jaeger stated that the DC signed the agreement to not practice in Nevada and he recommended dismissal. Dr. Colucci moved to dismiss complaint 18-08S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

D. Complaint 18-11S (Jaeger)

Dr. Jaeger stated that the complainant alleged that an out-of-state DC is providing record reviews on Nevada patients. Dr. Jaeger stated that pursuant to the March 2019 Attorney General Opinion the DC must be licensed in Nevada, so he worked with Mr. Ling to develop a system to communicate the rules and put the DC on notice. The DC was given a choice to obtain a Nevada DC license or not by signing the Board's agreement. Dr. Jaeger stated that the DC signed the agreement to not practice in Nevada and he recommended dismissal. Dr. Canada moved to dismiss complaint 18-11S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

E. Complaint 18-12S (Jaeger)

Dr. Jaeger stated that the complainant alleged that an out-of-state DC is providing record reviews on Nevada patients. Dr. Jaeger stated that pursuant to the March 2019 Attorney General Opinion the DC must be licensed in Nevada, so he worked with Mr. Ling to develop a system to communicate the rules and put the DC on notice. The DC was given a choice to obtain a license or not by signing the Board's document. Dr.

Jaeger stated that the DC signed the agreement to not practice in Nevada and he recommended dismissal. Mr. Bertoldo moved to dismiss complaint 18-12S. Dr. Canada seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

F. Complaint 18-13S (Rovetti)

This item was tabled until the next Board meeting.

G. Complaint 18-15S (Jaeger)

Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-17S and 19-03S. This investigation is ongoing.

H. Complaint 18-17S (Jaeger)

Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-15S and 19-03S. This investigation is ongoing.

I. Complaint 18-18N (Martinez)

This item was tabled until the next Board meeting.

J. Complaint 19-01N (Martinez)

This item was tabled until the next Board meeting.

K. Complaint 19-03S (Jaeger)

Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-15S and 18-17S. This investigation is ongoing.

L. Complaint 19-04N (Canada)

Dr. Canada stated that the complainant was upset that they did not get better after seeing the DC for two years and then when they received a bill for treatment filed the complaint. Dr. Canada stated that the complainant changed insurance companies without notifying the office staff, and the new carrier did not cover chiropractic care. Dr. Canada recommended that this complaint be dismissed. Dr. Jaeger made a motion to dismiss complaint 19-04N. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

M. Complaint 19-05S (Canada)

Dr. Canada stated that the complainant alleged that they were charged an exam fee without being noticed. Dr. Canada stated that following her review of the patients records a document was signed that disclosed an exam fee. Dr. Canada recommended that this complaint be dismissed. Dr. Jaeger made a motion to dismiss complaint 19-05N. Dr. Colucci seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

N. Complaint 19-06S (Colucci)

Dr. Colucci stated that the complainant alleged that they received an adjustment that left them in continuous pain. However, following the review of the patient's records there was no record of an adjustment being performed. Dr. Colucci obtained written confirmation from the CA who was present during the patient's visit that an adjustment did not occur. Dr. Colucci recommended that this complaint be dismissed. Dr. Jaeger made a motion to dismiss complaint 19-06S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating board member.

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O. Complaint 19-07S (Colucci)

Dr. Colucci stated that this complaint is from an attorney who alleged that the DC gave an opinion outside the scope of practice. Dr. Colucci stated that this complaint is under investigation.

Agenda Item 3 Continued - Approval of the June 13, 2019 Board Meeting Minutes. - For possible action.

Dr. Jaeger proposed revised language to Agenda Item 6, discussion and potential action regarding the continuation of the existing contract for lobbyist services with Strategies 360 – Dan Musgrove.

Agenda Item 4 PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 will begin at 8:45 a.m. at Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. – For possible action.

Mr. Ling summarized the revisions to the Boards’ regulations and stated that there was no public present. Dr. Jaeger made a motion to approve the revisions to R19-07. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 5 PUBLIC WORKSHOP: Will begin at 9:30 a.m. at Kietzke Plaza, 4600 Kietzke Lane, Suite G160, Reno, NV 89502. Discussion to consider amendments to Nevada Administrative Code 634. – For possible action.

Mr. Ling summarized the revisions to the Boards’ regulations and stated that there was no public present. Following discussion regarding the dry needling language, Dr. Jaeger recommended grammar revisions and Dr. Canada recommended that Chiropractic Colleges be included to the list of approved locations where course may be taken. Dr. Jaeger made a motion to approve the revised language. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 13 Correspondence Report – No action.

There were no comments.

Agenda Item 14 Public Interest Comments – No action.

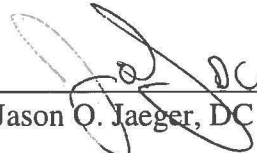
This portion of the meeting is open to the public to speak on any topic NOT on today’s agenda and may be limited to 3 minutes.

There were no public comments.

Agenda Item 15 Adjournment – For possible action.

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

October 10, 2019



Jason O. Jaeger, DC