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Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
Secretary-Treasurer



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 Tuesday, April 23, 2019 at the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, NV 89101

The following Board members were present at roll call:

Jason O. Jaeger, DC, President
Morgan Rovetti, DC, Vice President
Xavier Martinez, DC, Secretary-Treasurer
Nicole Canada, DC, Member
Tracy DiFillippo, 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 8:40 a.m.

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

Dr. Jaeger stated to mark Maggie Colucci, DC, Member and John L. Bertoldo, Esq., Consumer Member present.

Agenda Item 1 Public Interest Comments - No action.

There were no public comments.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 3 Approval of the January 10, 2019 Board Meeting Minutes. - For possible action.

Dr. Canada moved to approve the January 10, 2019 meeting minutes. Dr. Martinez seconded, and the motion passed with all in favor. Dr. Jaeger requested clarification of agenda item 24C. Dr. Jaeger asked whether the Board determined to keep the language, "reasonable

time” regarding sexual misconduct as is, and then take each situation on a case by case basis, which was confirmed.

Agenda Item 6 Legislative Matters – For possible action.

The Board contacted Dan Musgrove by telephone. Mr. Musgrove reported that the Boards’ bill, Assembly Bill 457 was on the agenda for approval by the full Assembly today, April 23, 2019. Mr. Musgrove discussed the status of the other bills that could potentially affect the Board, one being Senate Bill 355, presented by the Oriental Medicine Board. Mr. Musgrove asked for direction from the Board, with respect to including language to allow chiropractic physicians to perform dry needling. Dr. Rovetti asked Mr. Musgrove if he was representing another chiropractic bill. Mr. Musgrove stated that he was not. Dr. Martinez made a motion to expand the scope of chiropractic physicians, to include dry needling. Dr. Canada seconded, and the motion passed with all in favor with the exception of Ms. DiFillippo, who opposed.

Agenda Item 8 PUBLIC WORKSHOP: Will begin at 9:00 a.m. at the Grant Sawyer Building, 555 E. Washington Ave., Room 1100, Las Vegas, NV 89101. Discussion to consider amendments to Nevada Administrative Code 634. – For possible action.

Mr. Ling provided an overview of the revisions to NAC 634.

Dr. Pasquale Laurito, DC was present and stated his concern with allowing anonymous complaints. Dr. Mehran Soudbakhsh, DC was present, and also stated his concern with allowing anonymous complaints. Mr. Ling explained that NRS 634.160 allows the Board to accept anonymous complaints, the language being revised today is provided in NAC and is omitting the language stating that the complaint be signed and notarized.

Dr. Jaeger made a motion to accept the proposed revisions to NAC 634. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 4 Ratification of granting of DC licenses to applicants who passed the examination from January to March 2019 – For possible action.

Dr. Jaeger moved to approve the ratification of granting of DC licenses to those who passed the examination from January to March 2019. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the examinations on February 5, 2019. – For possible action.

Dr. Jaeger moved to approve the ratification of granting of the CA certificates to those who passed the examination on February 5, 2019. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 11 NCA Report – No action.

Dr. Marcia Tinberg, President was present, and reported on behalf of the NCA. Dr. Tinberg stated that the Southern Director is Dr. Peter Randall, and the Northern Directors are Dr. Lawrence Davis and Dr. David Rovetti. Dr. Tinberg stated that Dr. James Overland, Sr., serves as the Legislative Chair. Dr. Tinberg stated that the current focus of the NCA has been legislation. Dr. Tinberg stated that SB365, which discusses silent PPO passed out of the Senate unanimously and will be heard before the Assembly. Dr. Tinberg stated that Dr. Overland Sr. and Marlene Lockard, Lobbyist met with Richard Whitley, Director of DHHS, prior to the

introduction of SB 484, which includes chiropractors in the Medicaid system, and it was well received. SB484 then passed unanimously out of the Assembly and will now be heard before the Senate. Dr. Tinberg stated that there will be a second attempt at SB130, which provides for licensing and regulation of persons including chiropractic assistants. Dr. Tinberg stated that the NCA is working with the sponsor of SB 228, which provides provisions relating to marijuana and industrial hemp to allow DC's to offer products that are absent of THC. Assemblywoman Titus was not willing to amend AB147 to allow DC's to sign off on sports head injuries. The NCA is monitoring the Oriental Medicine Boards' bill regarding piercing the skin.

Dr. Tinberg stated that the NCA continues to reach out to their members to address their needs, regarding education and training to protect the health and safety of the State of Nevada.

Agenda Item 7 Discussion and potential action regarding the fee for late renewal – For possible action.

Dr. Jaeger stated that this agenda item was included in the workshop discussion under agenda item 8.

Agenda Item 10 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report.

Agenda Item 9 Discussion and potential 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)

Dr. James Overland Jr. was present and reported that he had taken the SPEC exam, and his score would be sent to the Board. Dr. Overland Jr. indicated that he is scheduled to take Part IV of the National Board Examinations on May 17, 2019 and will report back to the Board at its next meeting. Dr. Overland Jr. stated that he mailed a payment to the Board and hand delivered a payment today to put towards his outstanding fine/Board costs.

Agenda Item 13 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)

Mr. Ling stated that the Board was provided with deposition transcripts, which alleged that the DC was using identical records on personal injury cases. The patient records and other pertinent documents were given to the Boards' outside investigator to review and determine if the allegation was founded and they were not. Mr. Ling recommended that this complaint be dismissed. Ms. DiFillippo made a motion to dismiss complaint 16-11S. Mr. Bertoldo seconded, and the motion passed with all in favor. Dr. Colucci recused herself as the investigating Board member.

B. Complaint 17-08S (Martinez)

Dr. Martinez stated that this case was set for a hearing, however the complainant confirmed that they were not willing to testify. Dr. Martinez recommended that this complaint be dismissed. Dr. Canada made a motion to dismiss complaint 17-08S. Ms. DiFillippo

seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating Board member.

C. Complaint 17-24S (Jaeger)

Dr. Jaeger stated that the DC has a criminal charge that is in abeyance and will be ruled on by the end of April 2019. Dr. Jaeger requested that this complaint be held until the next Board meeting.

D. Complaint 17-28S (Colucci)

Mr. Ling stated that the DC retained an attorney and has not been able to get the attorney to allow access to the DC. Mr. Ling requested that this complaint be held until the next Board meeting.

E. Complaint 18-08S (Jaeger)

Dr. Jaeger requested to take agenda items 13 (E), (F) and (G) together since they are similar, with regard to out of state chiropractors rendering medical opinions regarding Nevada residents without a Nevada license. Dr. Jaeger indicated that he has made contact with two of the out of state doctors who will either apply for licensure or cease practice in Nevada. Dr. Jaeger stated that this investigation is ongoing.

F. Complaint 18-11S (Jaeger)

This agenda item was discussed under 13E.

G. Complaint 18-12S (Jaeger)

This agenda item was discussed under 13E.

H. Complaint 18-13S (Rovetti)

Dr. Rovetti stated that she will be reaching out to Mr. Ling to discuss, so this complaint is still under investigation.

I. Complaint 18-15S (Jaeger)

Dr. Jaeger stated that this is an anonymous complaint alleging that staff is performing chiropractic assistant duties while the DC is out of the office. This complaint is still under investigation.

J. Complaint 18-17S (Jaeger)

Dr. Jaeger stated that the complainant alleged that the DC is representing themselves as a MD or at least not disclosing on their signage, website, advertising, etc. that they are a DC. This complaint is still under investigation.

K. Complaint 18-18N (Martinez)

Dr. Martinez stated that the DC was advertising outside the scope of chiropractic, which has been corrected. There is concern, however, whether the DC is legally performing an advanced credential properly under the laws of another discipline. This complaint is still under investigation.

L. Complaint 19-01N (Martinez)

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

M. Complaint 19-02S (Colucci)

Dr. Colucci stated that this complaint was received from a third party, alleging that a trainer at a gym was performing chiropractic. Dr. Colucci recommended that this complaint be dismissed since the witness is not willing to come forward. Mr. Bertoldo made a motion to dismiss complaint 19-02S. Ms. DiFillippo seconded, and the motion passed with all in favor with the exception of Dr. Rovetti, who opposed. Dr. Colucci recused herself as the investigating Board member. Dr. Canada also recused herself.

Agenda Item 17 Financial Status Reports: A2/4 42:50

- A. Current cash position & projections – No action.**
 - B. Accounts Receivable Summary – No action.**
 - C. Accounts Payable Summary – No action.**
 - D. Employee Accrued Compensation – No action.**
 - E. Income/Expense Actual to Budget Comparison as of January 31, 2019 – No action.**
- Julie Strandberg gave an overview of the financial status reports. Dr. Martinez expressed his concern regarding the cost of the software database with GL Solutions and indicated that the Board may wish to obtain quotes from other vendors.

Agenda Item 16 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**

Julie Strandberg gave an overview of the Executive Director Reports.

Agenda Item 18 Discussion and potential action regarding the approval of the Boards' 2019/2020 (FY20/21) Budget – For possible action.

Julie Strandberg provided an overview of the budget projections. Dr. Jaeger made a motion to approve the budget as submitted for fiscal years 2020 and 2021. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 20 Discussion and potential action regarding Guidelines for Timely Response – For possible action.

Dr. Jaeger stated that he reviewed the January 10, 2019 meeting minutes and thanked the Board for their comments with respect to his proposal. Dr. Jaeger explained that the intent was to ensure that the Board was acting functional, productive, and responsive, however since the concern appears to be resolved, no further action shall be taken.

Agenda Item 22 Discussion and potential action regarding the interpretation of NAC 634.3475(1) – For possible action.

Dr. Jaeger stated that a licensed DC requested an interpretation of NAC 634.3475 (1) (1) from the Board. Following discussion, Mr. Ling stated that it would be necessary to review the facts and circumstances of the specific case, in order to determine whether the complaint meets fraudulent or deceitful conduct.

Agenda Item 14 Committee Reports

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

Dr. Martinez shared his thoughts regarding the need for the continuing education committee when there is little or no discretion when approving or disapproving courses. Dr. Martinez stated that if the interpretation of NAC 634.385 does not allow any discretion with respect to the content of a course, it doesn't seem necessary to have a continuing education committee. Dr. Martinez recommended that the Board look at the language and provide some discretion or include specific parameters.

Dr. Jaeger recommended that Dr. Martinez submit a policy shifting the approval to the Executive Director and staff and identify specific parameters when CE should be reviewed by the Continuing Education committee. Dr. Jaeger recommended that NAC 634.385 be added to the agenda for the next Board meeting.

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

Dr. Jaeger stated that legislation was covered with Mr. Musgrove

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

Dr. Rovetti stated that there was nothing new to report.

Agenda Item 28 Correspondence Report – No action.

Dr. Jaeger provided an overview of the memo from The Council on Chiropractic Education.

Agenda Item 27 FCLB/NBCE Matters – For possible action.

Dr. Jaeger reminded the Board that the FCLB annual conference is being held May 2-5, 2019 in San Diego, CA.

Agenda Item 24 Discussion and potential action regarding the board counsel's annual evaluation – For possible action.

Dr. Martinez summarized the evaluations completed by the Board members of Board Counsel, Louis Ling.

Agenda Item 12 NCC Report – No action.

Dr. Teddy Sim, Vice President, was present on behalf of the NCC. Dr. Sim stated that the NCC will be revealing a public information video, promoting pain management on May 6, 2019 at Relax the Back, Las Vegas, NV. Dr. Sim also stated that the NCC will be holding a seminar in Reno on September 14, 2019 and in Las Vegas on October 19, 2019.

Agenda Item 21 Discussion and potential action regarding the Attorney General Opinion 2018-03 – For possible action.

The Board contacted Dr. Robyn Mitchell by telephone. Dr. Jaeger provided an overview of the Attorney General Opinion (AGO) 2018-03, stating that in order for an individual to practice as a chiropractic radiologist in Nevada they must obtain a Nevada chiropractic license. The opinion also indicated that the individual should have a chiropractic physicians' license or a chiropractor's assistant certification working under a chiropractic licensee.

Dr. Jaeger made a motion that a chiropractic radiologist performing reads and interpretations on films of patients that reside in the State of Nevada require a Nevada chiropractic license. Dr. Rovetti seconded.

Dr. Jaeger made a motion that a notification regarding the AGO be issued to include, but not limited to, requiring Nevada chiropractors to maintain verification of the radiologists' license, require that an individual have 60 days to submit their application for DC licensure, and amend the self-inspection report. Dr. Jaeger asked that Julie Strandberg work with Dr. Robyn Mitchell to share the notification with the DACBR licensees. Mr. Ling clarified Dr. Jaeger's motion, confirming that a notification regarding the AGO be distributed to the Boards' licensees, utilizing the Boards' website and constant contact. Mr. Ling also confirmed that the notification include, but not limited to, requiring radiologists reading films of Nevada residents obtain Nevada licensure, explain that an individual will have 60 days to submit an application for DC licensure upon notice that a Nevada license is required, reference NRS 634.018 (12), and provide instructions on how to verify a license. Dr. Jaeger recommended that his motion be updated based on Mr. Ling's comments. Dr. Rovetti seconded, and the motion passed with all in favor.

Dr. Jaeger made a motion that the Board provide notification of the AGO that individuals conducting Independent Medical Exam's (IME) in the State of Nevada, of Nevada residents is required to hold a Nevada license. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 14 Committee Reports

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

Dr. Rovetti stated that she and Julie Strandberg have been working together to get the DC and CA exams in place.

Agenda Item 15 Discussion and potential action regarding the on-line CA examination process – For possible action.

Dr. Rovetti explained her concerns with moving forward with the online CA exam and recommended that the Board not move forward at this time.

Dr. Jaeger reminded the Board that the legislature voiced that their intent is to expedite licensing. Dr. Colucci suggested that the Board use the entry level CA exam offered by the FCLB, the Board offer the x-ray and law exams, and provide the DC with a chiropractic assistant training checklist for submittal to the Board.

Dr. Rovetti made a motion that the Board not put the CA exam online now and she will bring a plan to the next Board meeting. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 23 Discussion and potential action regarding the continuation of existing contracts – For possible action.

A. Louis Ling, Board Counsel

Dr. Jaeger made a motion to approve the first amendment to the original contract with Louis Ling, Esq. Mr. Bertoldo seconded, and the motion passed with all in favor.

B. The Advantage Group, Investigator

Dr. Jaeger made a motion to approve the first amendment to the original contract with The Advantage Group. Mr. Bertoldo seconded, and the motion passed with all in favor.

C. Strategies 360, Lobbyist

Dr. Jaeger stated that the quote from Strategies 360 is requesting a \$6,074.00 increase over the original contract. Dr. Martinez made a motion to table this agenda item. Dr. Colucci seconded, and motion passed with all in favor.

D. Freya Oberer-Brown, Accountant

Dr. Jaeger made a motion to approve the first amendment to the original contract with Freya Oberer-Brown, Accounting Solutions. Dr. Martinez seconded, and the motion passed with all in favor.

Agenda Item 26 Consideration of attendees at the October 3-6, 2019 FARB in St. Louis, MO – For possible action.

There was not any interest from the attorneys to attend the fall 2019 FARB conference.

Agenda Item 19 Discussion and potential action regarding Board meeting dates. – For possible action.

Dr. Martinez recommended that the meetings be held on Saturdays, as to not interrupt his practice during the week. Dr. Rovetti agreed. Dr. Jaeger stated that he would look at changing the meeting dates for the remainder of the year.

Agenda Item 25 Discussion and potential action regarding annual staff evaluations and possible pay increase of the Executive Director & Licensing Specialist – 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 Ms. Canady).

Dr. Martinez reviewed the evaluations for Julie Strandberg. Dr. Jaeger made a motion to increase Ms. Strandberg's annual salary by 4.72% to account for the 3% increase for fiscal year 2018 and 3% increase for fiscal year 2019 in accordance with AB 517 and SB 368 of the 2017 legislative session. Dr. Colucci seconded. Dr. Jaeger amended his motion to include a \$2,000 bonus. Ms. DiFillippo seconded, and the motion passed with all in favor.

Julie Strandberg provided the Board with the evaluation for Brett Canady. Dr. Jaeger made a motion to increase Ms. Canady's pay by 1.67% to account for the 3% increase for fiscal year 2018 and 3% increase for fiscal year 2019 in accordance with AB 517 and SB 368 of the 2017 legislative session and recommended a \$500.00 bonus based on her review. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 29 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 interest comments.

Agenda Item 30 Adjournment – For possible action.

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

June 13, 2019


Xavier Martinez, DC, Secretary-Treasurer