

Steve Sisolak
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Jason O. Jaeger, DC
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John Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000
Phone: (775) 688-1921 | Fax: (775) 688-1920
Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

NOTICE OF MEETING

DATE: Tuesday, April 23, 2019 **TIME:** 8:30 a.m.

LOCATION: Grant Sawyer Building
555 E. Washington Ave., Room 1100
Las Vegas, NV 89101

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. Harmel
Statement of Purpose – Dr. Colucci

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 January 10, 2019 Board Meeting Minutes. - For possible action.

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

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

Agenda Item 6 Legislative Matters – For possible action.

A. Strategies 360 – Dan Musgrove

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

A. Power Poll Results

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.

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)

Agenda Item 10 Board Counsel Report – No action.

Agenda Item 11 NCA Report – No action.

Agenda Item 12 NCC Report – No action.

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)
- B. Complaint 17-08S (Martinez)
- C. Complaint 17-24S (Jaeger)
- D. Complaint 17-28S (Colucci)
- E. Complaint 18-08S (Jaeger)
- F. Complaint 18-11S (Jaeger)
- G. Complaint 18-12S (Jaeger)

- H. Complaint 18-13S (Rovetti)
- I. Complaint 18-15S (Jaeger)
- J. Complaint 18-17S (Jaeger)
- K. Complaint 18-18N (Martinez)
- L. Complaint 19-01N (Martinez)
- M. Complaint 19-02S (Colucci)

Agenda Item 14 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.
- B. Legislative Committee (Dr. Jaeger) – For possible action.
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.
- D. Test Committee (Dr. Rovetti) - For possible action.

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

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.

Agenda Item 17 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 January 31, 2019 – No action.

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

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

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

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

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

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

- A. Louis Ling, Board Counsel
- B. The Advantage Group, Investigator
- C. Strategies 360, Lobbyist
- D. Freya Oberer-Brown, Accountant

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

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)

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

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

Agenda Item 28 Correspondence Report – No action.

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.

Agenda Item 30 Adjournment – For possible action.

This agenda posted April 17, 2019 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.

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”: 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: **April 23, 2019**

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.

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RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

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 January 10, 2019 Meeting Minutes. - For possible action.

RECOMMENDED MOTION: **Approve the minutes of the January 10, 2019 meeting as drafted.**

PRESENTED BY: **Jason Jaeger, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

STEVE SISOLAK
Governor

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

STATE OF NEVADA



MAGGIE COLUCCI, DC
Member
NICOLE CANADA, DC
Member
TRACY DiFILLIPPO, ESQ
Consumer Member
JOHN BERTOLDO, ESQ
Consumer Member
JULIE STRANDBERG
Executive Director

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, January 10, 2019 at the Nevada State Board of Dental Examiners, 6010 S. Rainbow Blvd., Bldg. A, Suite #1, Las Vegas, NV 89118.

The following Board Members were present at roll call:

Morgan Rovetti, DC, Vice President
Xavier Martinez, DC, Secretary-Treasurer
Maggie Colucci, DC, Member
Nicole Canada, DC, Member
John L. Bertoldo, DC, Member

Also present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg. Dr. Jaeger and Ms. DiFillippo were absent.

Vice President, Dr. Rovetti determined a quorum was present and called the meeting to order.

Dr. Colucci led those present in the Pledge of Allegiance. Dr. Martinez 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. Martinez seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the October 5, 2018 Meeting Minutes and the November 15, 2018 Workshop Minutes. - For possible action.

Dr. Martinez moved to approve the October 5, 2018 meeting minutes and the November 15, 2018 Workshop Minutes. Dr. Colucci 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 August to December 2018 – For possible action.

Dr. Martinez moved to approve the ratification of granting of DC licenses to those who passed the examination from August to December 2018. Mr. Bertoldo seconded, and the motion passed with all in favor.

Agenda Item 5 Welcome New Board Member – No action.

Dr. Rovetti welcomed Dr. Nicole Canada to the Board and asked that she give the Board an overview of her background.

Agenda Item 6 Legislative Matters – For possible action.

Dan Musgrove gave the Board an update on the 2019 legislative committees provided the list of bills that he is currently tracking on behalf of the Board.

Agenda Item 7 Consideration/decision related to the Settlement Agreement and Order of Jarina May Kong, 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. Kong.)

Dr. Rovetti welcomed Dr. Kong and her attorney, Kris Rath, Esq and gave Dr. Kong the opportunity to go into closed session, and she denied. Mr. Ling summarized the Settlement Agreement and Order. Following discussion, Dr. Rovetti moved to approve the Settlement Agreement and Order. Dr. Canada seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating board member.

Agenda Item 8– Consideration/decision related to the application for DC licensure for Maria Velazquez, 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. Velazquez.)

Dr. Rovetti welcomed Dr. Velazquez and gave her the opportunity to go into closed session, and she denied. Dr. Rovetti asked Dr. Velazquez to provide the Board with her background. Dr. Velazquez explained that since she graduated from chiropractic college, she has continuously worked as a chiropractor's assistant and completed her National Board Part IV exam in October 2018. Dr. Rovetti moved to accept Dr. Velazquez's application. Dr. Colucci seconded, and the motion passed with all in favor, with the exception of Dr. Martinez who opposed.

Agenda Item 9– 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).

Dr. Rovetti welcomed James Overland Jr. and gave him the opportunity to go into closed session, and he denied. Dr. Overland Jr. gave the Board an update on what he had done to date to submit a complete application and provided other action he has taken to benefit his approval for licensure. Dr. Rovetti recommended that the Board provide Dr. Overland Jr. a plan of action, considering the passing of the National Board's Part IV exam, which will make his application complete. Dr. Rovetti also recommended that Dr. Overland Jr. come to the next Board meeting with a proposal to include a timeframe of when he will have his application requirements complete. Following further conversation, Dr. Martinez emphasized that the Board agree on a clear plan of action by setting criteria and/or modifying the terms and conditions of Dr. Overland's previous Board orders.

Agenda Item 10 – Consideration/decision related to the temporary application for Patrick McCabe, 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. McCabe.)

The Board contacted Dr. McCabe by telephone to discuss his application for temporary license. Dr. Rovetti gave Dr. McCabe the opportunity to go into closed session, and he accepted. Following discussion, Dr. Martinez moved to approve Dr. McCabe's application for temporary license. Mr. Bertoldo seconded, and Dr. Rovetti opened for discussion. Dr. Rovetti made a motion to amend the initial motion to approve Dr. McCabe's application for temporary license contingent on the receipt of negative drug test results. Mr. Bertoldo seconded, and the motion passed with all in favor, with the exception of Dr. Colucci, who opposed.

Agenda Item 11 – Consideration/decision related to the application for DC licensure for Natalie Elaine Stamos - 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. Stamos.)

Dr. Rovetti noted that this agenda item is for an application of a chiropractor's assistant rather than for DC licensure. The Board contacted Ms. Stamos by telephone to discuss her CA application and gave her the opportunity to go into closed session, and she accepted. Following discussion, Dr. Martinez made a motion to deny Ms. Stamos' application with the condition that she re-apply and complete her application correctly, complete two hours of continuing education approved by Dr. Martinez, and upon successfully passing the CA exam and law exam Ms. Stamos be issued her CA certificate.

Agenda Item 16 Consider revision to proposed Board bill – For possible action.

Mr. Musgrove stated that he and Dr. Jaeger held conversations with the Physical Therapy Association, the Physical Therapy Board and legislative leadership regarding the scope of practice revision in the Chiropractic Physicians' Board bill. Following discussion, Dr. Martinez made a motion to eliminate Section 1 from the Board's bill. Mr. Bertoldo seconded, and the motion passed with all in favor, with the exception of Dr. Colucci and Dr. Canada, who opposed.

Agenda Item 29 NCC Report – No action.

Dr. Stephanie Youngblood and Andrea Waller, Executive Director were in attendance on behalf of the NCC. Dr. Youngblood congratulated Dr. Canada on her appointment to the Board and Dr. Colucci on her reappointment to the Board. Dr. Youngblood stated that after reading the Boards' past minutes there have been comments about whether or not the NCC is a viable organization. Dr. Youngblood stated that the NCC received non-profit status in March 2014, and that the NCC is a member of COCSA, which you cannot be, unless the organization is a viable association, and provided the Board with a copy of the NCC mission statement. Dr. Youngblood stated that from reading previous Board meeting minutes there seems to be a misunderstanding that the NCC is a CBP group, although the NCC does not want to expand their scope to include drugs and surgery.

The NCC's membership is at 30, however memberships continue to be received.

Dr. Youngblood stated that through the NCC's lobbying efforts it is no longer mandatory for culinary members to be an NCA member. Culinary members may join the association of their choice, if they choose to be a member of an association

After approximately two years of emails and conference calls with the Division of Insurance (DOI) legal counsel, the DOI indicated that they are in-support of equal reimbursement. The NCC's analysis is on the insurance commissioner's desk for a final decision, which should be made any day.

January 10, 2019 Meeting Agenda

Dr. Youngblood stated that several NCC members purchased a table at the January 18, 2019 Governor's Ball.

Dr. Youngblood explained that she is not in attendance as Stephanie Youngblood, but is asked to provide this report on behalf of the NCC. Dr. Youngblood stated that the NCC has grave concerns about a Board member using their position to give lectures on Nevada law for potential financial gain, without consent from the Board, that the NCC is aware of. After reading past Board meeting minutes, this Board voted that Dr. Dave Rovetti discontinue lecturing in California on behalf of the Chiropractic Physicians' Board of Nevada. The NCC would like to know if Dr. Morgan Rovetti was approved by the Board to lecture on Board business, and if so, was she paid? Dr. Morgan Rovetti asked Dr. Youngblood if she was referring to her speaking at the chiropractic college and Dr. Youngblood said, "Yes." Dr. Rovetti stated that her Dad, Dr. Dave Rovetti has a private arrangement with Palmer West Chiropractic College to speak quarterly, without pay, on what Boards do in general, and how to stay out of trouble in practice. Dr. Rovetti stated that Dr. Dave Rovetti does not speak specific to Nevada, because he is speaking to students that may practice in other states, but does touch on some Nevada issues, since he was on the Nevada Board. Dr. Rovetti stated that Dr. Dave Rovetti is not sponsored by the Board and does not get paid, and stated that she is not sure what Dr. Dave Rovetti's arrangements has to do with this Board. Dr. Youngblood stated that it is the NCC's understanding that Dr. Dave Rovetti was reimbursed by the Board to travel to California to speak on the Boards behalf, and the Board meeting minutes indicate that it was discontinued. Dr. Youngblood stated that the NCC is also concerned that Dr. Morgan Rovetti recently gave a lecture and the NCC did not see an authorization from this Board allowing Dr. Morgan Rovetti to speak representing this Board. Dr. Rovetti stated that she didn't give a lecture and Dr. Youngblood stated that she was named in the program. Dr. Rovetti stated that she attended one of Dr. Dave Rovetti's presentations and spoke about her practice, not specific to this Board, not that she couldn't speak on the Board, but she was not paid by the Board or speaking for the Board. Dr. Youngblood stated that the NCC saw Dr. Morgan Rovetti's name listed as one of the lecturers and the NCC was concerned. Dr. Rovetti stated that she was not sure what Dr. Youngblood was referring to, because there wasn't a program as it was an informal presentation. Dr. Youngblood stated that the program was online, and the program indicated that Dr. Morgan Rovetti would be lecturing on Nevada law and chiropractic.

Dr. Rovetti asked if the NCC's membership was going down and Dr. Youngblood stated that not everyone has renewed for the year and they expect several CACP members to join. Dr. Colucci stated that she is concerned that if the CACP changes their requirement, that DC's do not have to be a member of either association, then both associations may have difficulty with their memberships.

Agenda Item 12 Consideration/decision related to the application for DC licensure for Mandana Pournaj-McEntire, 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. McEntire.)

The Board contacted Dr. McEntire by telephone regarding her application to reinstate her DC license and asked if she would like to go into closed session, and she denied. Dr. Rovetti asked Dr. McEntire to provide an overview of what she has been doing since she graduated from chiropractic college. Following discussion, Dr. Rovetti made a motion that Dr. McEntire take and pass the SPEC exam to complete her application. Dr. Martinez seconded, and the motion passed with all in favor.

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)**
Dr. Colucci stated that this complaint is still under investigation.
- B. Complaint 17-08S (Martinez)**
Mr. Ling stated that the Notice of Charges was filed and is actively engaged in negotiations with the DC's attorney, however if Mr. Ling and Dr. Martinez are unable to come to a resolution with the attorney, this case will go to hearing.
- C. Complaint 17-24S (Jaeger)**
This complaint was tabled until the next Board meeting.
- D. Complaint 17-28S (Colucci)**
Dr. Colucci stated that the DC has retained an attorney who has been in contact with Mr. Ling, so this case is still under investigation.
- E. Complaint 18-08S (Jaeger)**
This complaint was tabled until the next Board meeting.
- F. Complaint 18-10N (Martinez)**
Dr. Martinez stated that this complaint was resolved with the Settlement Agreement in agenda item 7.
- G. Complaint 18-11S (Jaeger)**
This complaint was tabled until the next Board meeting.
- H. Complaint 18-12S (Jaeger)**
This complaint was tabled until the next Board meeting.
- I. Complaint 18-13S (Rovetti)**
Dr. Rovetti stated that this complaint is still under investigation.
- J. Complaint 18-14S (Rovetti)**
Julie Strandberg stated that this is the Boards complaint against Obteen Nassiri for stating on the record that he had been performing chiropractic without a license. Ms. Strandberg stated that a citation was issued to Obteen Nassiri, however there has been no response, so the \$1,000 debt will be written off.
- K. Complaint 18-15S (Jaeger)**
This complaint was tabled until the next Board meeting.

L. Complaint 18-16N (Martinez)

Dr. Martinez stated that this complaint was a financial dispute between the complainant and the DC. Dr. Martinez attempted to assist by offering a remedy, however did not hear back from the complainant. Dr. Rovetti made a motion to dismiss complaint 18-16N. Dr. Colucci seconded, and the motion passed with all in favor. Dr. Martinez recused himself as the investigating Board member.

M. Complaint 18-17S (Jaeger)

This complaint was tabled until the next Board meeting.

N. Complaint 18-18N (Martinez)

Dr. Martinez stated that this DC is advertising that injections are being administered and is still under investigation.

Agenda Item 14 FCLB/NBCE Matters – For possible action.

A. Selection of Board's choice for FCLB Voting Delegate

B. Selection of Board's choice for FCLB Alternate Delegate

C. Selection of Board's choice for NBCE Voting Delegate

D. Selection of Board's choice for NBCE Alternate Delegate

Dr. Rovetti made a motion that Dr. Jaeger be the FCLB voting delegate, Dr. Canada be the FCLB alternate delegate, Dr. Colucci be the NBCE voting delegate, and Dr. Canada be the NBCE alternate delegate. Dr. Martinez seconded, and the motion passed with all in favor.

E. Selection of Board Member to participate in the Spring National Board Part IV Exam - May TBD, 2019

Dr. Martinez and Dr. Rovetti expressed interest in attending. Dr. Rovetti made a motion for her and Dr. Martinez to participate. Dr. Canada seconded, and the motion passed with all in favor

F. Selection of Board Member to participate in the National Board Part IV Test Committee meeting - June TBD, 2019

Dr. Canada expressed interest in participating in the Part IV Test Committee. Dr. Rovetti made a motion for Dr. Canada to attend. Dr. Martinez seconded and the motion passed with all in favor.

G. Selection of Board Member to participate in the Fall National Board Part IV Exam - November TBD, 2019

Dr. Rovetti made a motion that she and Dr. Martinez participate. Dr. Canada seconded, and the motion passed with all in favor

H. Other FCLB/NBCE matters

Dr. Rovetti reviewed the information reported from FCLB and NBCE.

Agenda Item 15 Committee Reports

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

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

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

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

Dr. Rovetti stated that the CA reference guide has been revised to identify the topics that the CA's will be tested on rather than providing the Tennessee Chiropractic Association reference guide.

Agenda Item 17 Board Counsel Report – No action.

Mr. Ling stated that he was in receipt of the final report from the Federal Department of Health and Human Services which provided their recommendations on the opioid crisis. This report will be sent to Congress, who will most likely turn this language into a bill. The report recommended a model of collaborative practice among health care practitioners, to avoid a single doctor from writing a prescription for pills particularly for the treatment of chronic pain. Under the list of health care practitioners, physical therapy was listed, but not chiropractic. Mr. Ling stated that chiropractic is identified under complimentary care and the recommendations related to complimentary care are not near as complete and comprehensive as they are under the joint care practice model.

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. 2019/2020 DC Renewal Statistics – No action.**

Julie Strandberg gave an overview of the Executive Director reports.

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 November 30, 2018 – No action.**
- F. 2018 Audit – Bertrand and Associates - For possible action.**

Julie Strandberg gave an update on the financial status. Dr. Canada moved to accept the 2018 audit. Dr. Rovetti seconded, and the motion passed with all in favor.

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

Dr. Rovetti stated that this request was recommended by Dr. Jaeger and indicated that the Board could discuss today, but bring it back to the next Board meeting. Dr. Canada asked if level 1 would instigate a phone call. Dr. Martinez stated that he thinks that this is unnecessary, we are all adults, we volunteer our time, and stated that he isn't aware of any examples of tasks that were not completed in a timely manner that would warrant this and personally finds it insulting. Dr. Rovetti stated that she doesn't believe that was the intention, but took it a little bossy and somewhat confusing, so she recommended that this be on the next agenda to give Dr. Jaeger a chance to explain. Dr. Rovetti recommended that the language be used, for example, let me know ASAP, or call the office, or text, etc. Dr. Colucci stated that she has not ever seen anything like this, but believes Dr. Jaeger was trying to ensure responses are received timely. Dr. Martinez stated that while he can see the well intentions behind this proposal, he made a motion that the Board not adopt the guidelines. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 21 Discussion/interpretation of NAC 634.430(1) (d). For possible action.

Dr. Rovetti stated that this agenda item was submitted for discussion by a DC, asking if DC's can lawfully give credit towards in-office services for a patient who was referred and whether there is a lawful amount to credit that patient pursuant to NAC 634.430(1)(d). Following discussion, Mr. Ling recommended that the Board refer the DC to NAC 634.430(1)(d) to discuss with their attorney. Mr. Ling stated that if the Board received a complaint regarding a DC, offering buy 3 get one free or something similar, the Board may look into it. Dr. Rovetti recommended that the Board follow Mr. Ling's advice.

Agenda Item 22 Discuss annual board counsel evaluation – For possible action

This agenda item was tabled until the next Board meeting.

Agenda Item 23 Discuss 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).

This agenda item was tabled until the next Board meeting.

Agenda Item 24 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634 – For possible action.

A. NAC 634.XXX Mandatory Self-Inspection report.

Dr. Rovetti reviewed the revised language to NAC 634 to make the self-inspection mandatory and made a motion to accept the new language. Dr. Colucci seconded, and the motion passed with all in favor.

B. NAC 634.635 Pleadings: Complaints (2) The original complaint must be in writing, signed and verified by the person making it and filed with the Executive Director of the Board.

Dr. Rovetti explained that the language in NRS states that a complaint may be submitted anonymously, however NAC states that the complaint must be signed and verified. Following conversation, Mr. Ling advised the Board that the regulation language needs to be aligned with the statute. Dr. Rovetti made a motion to amend NAC 634.635 by omitting, "signed and verified by the person making it" from the language. Mr. Bertoldo seconded, and the motion passed with all in favor.

C. NAC 634.430 Clarify "reasonable time" ➔ The term does not include sexual conduct or sexual relations that take place between a licensee and his or her spouse or between a licensee and a person who was a patient after the chiropractor-patient relationship has been terminated for a reasonable time.

Dr. Rovetti stated that "reasonable time" is the time following when an individual was a patient to when a sexual relationship may occur. Mr. Ling stated that all health care Boards have similar language with regard to how long it is before you have shifted from a therapeutic relationship and when it is ok to have a romantic relationship. Dr. Colucci stated that the malpractice insurance carriers have guidelines with respect to a reasonable time and she volunteered to verify their guidelines. Mr. Bertoldo recommended that this be handled on a case by case basis.

D. NRS 634.105 Practice by qualified (DC) applicant for license waiting to take examination. May supervise no longer than 2 years.

January 10, 2019 Meeting Agenda

Following discussion, Mr. Bertoldo made a motion to revise the language to allow supervision for no longer than 90 days. Dr. Rovetti seconded, and the motion passed with all in favor.

E. NRS 634. License Renewal: Pro-Rate Renewal, Change renewal date to birth date.

Following discussion, Dr. Rovetti made a motion to amend the statute to pro-rate the licensing fee for a first-time applicant by month. Dr. Martinez seconded, and the motion passed with all in favor.

F. NRS 634.130 Conduct random CE Audit - Violation if found out of compliance.

Mr. Ling explained that several other Boards conduct continuing education percentage audits and will provide draft language for the Board to review at its next meeting. Dr. Rovetti recommended that this agenda item be tabled until the next Board meeting.

Agenda Item 25 Establish date for the next in-person Chiropractor's Assistant examination – For possible action.

This agenda item was tabled to discuss at the next Board meeting.

Agenda Item 26 Discussion/possible revisions to the Board Policies – For possible action.

A. Confirm that all Self-Inspection must be completed on-line.

Dr. Rovetti stated that Board staff will urge DC's to complete the online form, however if the paper form is requested we can also accept.

B. Request for Application Package:

1. Consider eliminating the application package request. 2. Consider waiving the fee when documents are emailed to the applicant.

Julie Strandberg explained that, for years, the Board has required that an applicant pay \$25.00 and complete an application package request, however is unable to confirm that this is a requirement. Mr. Ling confirmed that this request, including the \$25.00 fee is not in the Board's laws. Dr. Rovetti made a motion to eliminate the request for application package and stop collecting the \$25.00 fee. Dr. Canada seconded, and the motion passed with all in favor

C. Discuss \$500 fee for late renewals.

Following discussion, Dr. Rovetti recommended that a power poll be requested to inquire how other states handle late renewals.

Agenda Item 27 Consideration of attendees at the Parker Seminar, Las Vegas, February 21-23, 2019. – For possible action

Dr. Rovetti asked if anyone was interested in attending the Parker Seminar on behalf of the Board. Dr. Colucci stated that she would be in attendance to verify that out-of-state DC's obtained temporary licensure if necessary.

Agenda Item 28 NCA Report – No action.

Dr. Rovetti reported for Dr. Overland Sr. on behalf of the NCA. Dr. Rovetti stated that the NCA will be going forward with their silent PPO bill and there will be a CA review in Las Vegas and in Reno on January 26th.

Agenda Item 30 Correspondence Report – No action.

Dr. Rovetti referenced the letter received from the NCA regarding the exam review.

Agenda Item 31 Public Interest Comments – No action.

January 10, 2019 Meeting Agenda

There were no public comments.

Agenda Item 32 Adjournment – For possible action.

Dr. Rovetti moved to adjourn the meeting.

April 23, 2019

Xavier Martinez, DC, Secretary-Treasurer

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 January to March 2019 – For possible action**

RECOMMENDED MOTION: **Ratify granting of licenses to those who passed their examinations from January to March, 2019.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **2 minutes**

BACKGROUND INFORMATION:

<u>January</u>	<u>February</u>	<u>March</u>
Rachel Kathryn Box	Brandon Michael Frankel	Jeneka Desneige Embrey
Raymond Scott Daniels	James Stanley Purvis III	Amy Elizabeth Erger
Brian Lee Day		Maria C. Velazquez
David Randolph Holmes		Amy Catherine Vevoda
Jodie Lee Silver		
Shain Nicolai Smith		
Jospehine Nakeeya Stanton		

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

RECOMMENDED MOTION: Ratify granting of certificate to those who passed their examinations on February 5, 2019.

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION:

Lori Barton	Janeth Lopez	Valadee Owens
Andrea Collins	Stephanie Mandujano-Collazo	Paloma Patron
Juana Contreras	Anjelica Martinez	Lupita Perez
Stephanie Dailidenas	Rita Martinez	Josephine Pimentel
Rachel Mae Garcia	Melanie Martinez	Mandana Pournaj-McEntire
Dayana Garcia-Ortiz	Artelleau McCloud	Brianna Sanabria
Michael Gasco	Rachael Mendez	Gricelda Sandoval
Asa Glasgow	Maria Menendez	Alejandra Santamaria-Francisco
Jaymie Hornback	Rheanna Mirador	Katina Schauer-Kelli
Jesse Imber	Narda Montes-Hernandez	Crishar Soto
Denise Levai	Heather O'Leary	Brian Tieu
Michelle Lindsay	Karina Orellana	Kimberly Waldorf
		Bee Wilson

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 5

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 6 Legislative Matters – For possible action**
A. Strategies 360 - Dan Musgrove

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Dan Musgrove**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 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 7** Discussion and potential action regarding the fee for late renewal – For possible action.

A. Power Poll Results

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **Please see the attached power poll results.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

PowerPoll - Failure to Renew
Nevada 2/21/2019

Board	How does your board penalize licensees when they fail to renew by their applicable due date?
Alaska	If a licensee does not renew by their applicable due date then they cannot practice at all. There is no grace period. Also, if a licensee fails to renew for three months they must pay a delayed renewal penalty fee. Licensees have five years to renew or their license expires. If they want to get a license after five years of non-renewal they must start the entire process over, including taking the jurisprudence examination and receiving a new license number.
Arizona	\$200 late penalty
Florida	From a minimum fine of \$200 for each month of practice without an active license, up to a maximum of permanent revocation of the license
Georgia	The license expires on December 31st of even years and should this occur, the individual may no longer practice in Georgia. There is a lapsed-late renewal period that begins January 1, 2019 through to March 31, 2019 during which the individual may apply to renew for an increased fee and in most instances those individuals are audited to determine if the CE requirements were met for the renewal of the license. If the CE requirements were not met, the Board may deny the renewal or issue a Public Consent Order with a fine, a requirement that any deficient CE be completed within a specified timeframe and an indication that those hours may be submitted to meet the requirements of the current or future renewal cycles.
Idaho	Please see Idaho Code § 54-708, and Rules 250, 300, and 703-706.
Illinois	Late renewals pay a penalty and also must supply proof of CME activities, while on-time renewals only have to attest to the necessary CME credits.
Maine	The rules & regulations have a 90 day grace period during which a licensee can renew for a \$50 late fee. After 90 days, licensee is subject to current requirements to apply for a license just like a new licensee. F.Y.I. - License renewal in Maine is only available online.
Minnesota	License is "expired" as of January 1. They are no longer authorized to practice. \$150 late fee applied on Jan 1, another \$150 late fee applied as of Feb 1. They can renew up to the end of Feb by paying the renewal and late fees and verifying they have the required CE. If not renewed by Feb 28, they will be Board terminated and then are required to Apply for Reinstatement , pay the \$300 accumulated late fees, \$200 renewal fee, \$100 reinstatement fee, submit verification of all CE to bring them current, and complete a Criminal Background Check prior to being reinstated.
Missouri	\$150 late fee and automatic CE audit.
New Mexico	late fee
North Carolina	WE HAVE AN STATUTORY 30-DAY GRACE PERIOD FOLLOWING THE DUE DATE THEN WE CANCEL THEIR LICENSE.

PowerPoll - Failure to Renew
Nevada 2/21/2019

Board	How does your board penalize licensees when they fail to renew by their applicable due date?
North Dakota	Financially, we are allowed to issue an Administrative Late Fee of \$200.00 (current renewal fee is \$300.00). We are very proactive and give many reminders throughout our renewal cycle to our license holders regarding their renewal status. If they fail to renew by the deadline and practice chiropractic, they would be doing so without a license.
Ohio	Yes, a \$150 penalty fee for late renewal is applied to the renewal fee.
Oklahoma	They are assessed a late fee of \$150.00 and their license is placed on a lapsed status until they comply with the renewal requirements and if it surpasses 60 days after the lapse is placed on the license the license is administratively suspended.
South Dakota	\$100 late fee and additional 15 days to renew
Texas	Late fee based on length of expired status, plus possible disciplinary action for practicing without a license if practicing while license is expired.
Utah	\$20 late fee for the first 30 days, then an additional \$30 reinstatement fee. The \$50 fee and reinstatement is applicable for 2 years beyond expiration. Following 2 years, a new application must be submitted, meeting current licensing requirements. Unlawful conduct includes practicing on an expired license which could lead to a citation including a cease and desist order and a fine up to \$1000. Continued practice on an expired license can result in a fine (after an initial citation has been issued) of up to \$2,000 per day.
Virginia	There is no penalty for failure to renew a license unless a licensee practices on an expired license.
Washington	If a licensee renews their license after their expiration date they're charged a late fee. If a complaint is received that someone has practiced with an expired license, those cases are looked at on an individual basis to determine if additional action is warranted.
West Virginia	Yes, licensees must pay a \$200 late fee
Wyoming	Depends if they've been practicing without a license and how long. A quick fix is generally allowed but a long term disregard is sometimes subject to a reprimand.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: 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.

RECOMMENDED MOTION: No recommendation

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 30 minutes

BACKGROUND INFORMATION: See attached agenda and proposed revisions.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 8

Steve Sisolak
Governor

Jason O. Jaeger, DC
President
Morgan Rovetti, DC
Vice President
Xavier Martinez, DC
Secretary-Treasurer



Maggie Colucci, DC
Member
Nicole Harmel, DC
Member
Tracy DiFillippo, Esq.
Consumer Member
John L. Bertoldo, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000

Phone: (775) 688-1921 | Fax: (775) 688-1920

Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

NOTICE OF WORKSHOP FOR THE ADOPTION OF REGULATIONS OF THE CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

NOTICE IS HEREBY GIVEN that the Chiropractic Physicians' Board of Nevada will hold a public workshop at **9:00 a.m. on Tuesday, April 23, 2019 at the Grant Sawyer Building, Room 1100, 555 E. Washington Ave., Las Vegas, Nevada 89101.** The purpose of the workshop is to receive comments from all interested persons regarding the potential adoption of regulations that pertain to chapter 634 of the Nevada Administrative Code.

The purpose of the proposed regulation will make various revisions to Chapter 634 of the Nevada Administrative Code.

Persons wishing to comment upon the proposed action of the Chiropractic Physicians' Board of Nevada may appear at the scheduled public workshop or may address their comments, data, views, or arguments, in written form, to Julie Strandberg, Executive Director, 4600 Kietzke Lane, Suite M245, Reno, NV 89502. Written submissions must be received by the Chiropractic Physicians' Board of Nevada on or before, Tuesday, April 16, 2019. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Chiropractic Physicians' Board of Nevada may proceed immediately to act upon any written submissions.

Members of the public who require special accommodations or assistance at the workshop are required to notify Julie Strandberg, Executive Director, in writing at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502, Telephone: 775-688-1923, no later than Tuesday, April 16, 2019.

A copy of this notice and the regulation to be Adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted will be available at the Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, NV 89502, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of workshop has been posted at the following locations:

Chiropractic Physicians' Board of Nevada website: <http://chirobd.nv.gov>
[Notice.nv.gov](http://chirobd.nv.gov)

Chiropractic Physicians' Board of Nevada, 4600 Kietzke Lane, Suite M245, Reno, Nevada 89502

Office of the Attorney General, 100 N. Carson St., Carson City, NV 89701

Office of the Attorney General, Grant Sawyer Bldg., 555 E. Washington Ave., Las Vegas, NV 89101

State Library and Archives, 100 N. Stewart Street, Carson City, NV 89701

Copies may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop St.
Carson City, Nevada 89702-3101

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Las Vegas - Clark County Library District
833 Las Vegas Blvd. North
Las Vegas, Nevada 89101

Douglas County Library
1625 Library Lane
Minden, Nevada 89423-0337

Elko County Library
720 Court St.
Elko, Nevada 89801

Esmeralda County Library
Corner of Crook & 4th Street
P.O. Box 430
Goldfield, Nevada 89013-0430

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Humboldt County Library
85 East 5th St.
Winnemucca, Nevada 89445-3095

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Lyon County Library System
20 Nevin Way
Yerington, Nevada 89447-2399

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Public Library (CLOSED
instead, send to the Storey County Clerk's
Office, see below)

Storey County Treasurer and Clerk's Office
Drawer D
Virginia City, Nevada 89440

Tonopah Public Library System
P.O. Box 449
Tonopah, Nevada 89501-2102

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

White Pine County Library
950 Crampton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA**

LCB File No. R*-18**

September 7, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: NRS 634.030 and 634.014.

A REGULATION relating to ~~the renewal of a chiropractic physician's license and the supervision of persons working in a chiropractic physician's office.~~

Section 1. NAC chapter 634 is hereby amended to add the following new language:

1. A chiropractic physician shall submit a self-inspection on a form prescribed by the Board between January and March of each year. The completed form must be received no later than March 31 of each year. The board will not accept a form that is not complete at the time of its submittal and will return an incomplete form to the chiropractic physician who submitted it.

Section 2. NAC chapter 634 is hereby amended to add the following new language:

1. A chiropractic physician shall ensure that each employee of the chiropractic physician who provides services for the patients in the office of the chiropractic physician, other than chiropractic or clerical services, provides those services only under the direct supervision of the chiropractic physician.

2. A chiropractic physician who authorizes an independent contractor to provide services in the office of the chiropractic physician pursuant to the provisions of this section shall establish procedures which ensure that each patient of the chiropractic physician to whom the independent contractor provides services is notified that:

(a) The independent contractor is not an employee of the chiropractic physician;

(b) The services provided by the independent contractor in the office of the chiropractic physician are not provided under the direct supervision or control of the chiropractic physician.

and

~~*(c) The chiropractic physician will not bill the patient or the insurance company of the patient for any services provided by the independent contractor.*~~

NAC chapter 634.200 is hereby amended to revise the fee for reinstating a license to practice chiropractic which has been suspended or revoked.

FEES

NAC 634.200 Amount; nonrefundable. ([NRS 634.030](#), [634.115](#), [634.135](#))

1. The Board will charge and collect the following fees:

For an application for a license to practice chiropractic.....	\$200.00
For an examination for a license to practice chiropractic.....	125.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant..	100.00
For an application for a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For an examination for a certificate as a chiropractor's assistant.....	75.00
For the issuance of a license to practice chiropractic.....	225.00
For the issuance of a temporary license to practice chiropractic pursuant to NRS 634.115	50.00
For the biennial renewal of an active license to practice chiropractic.....	700.00
For the biennial renewal of an inactive license to practice chiropractic.....	250.00
For the biennial renewal of a certificate as a chiropractor's assistant.....	120.00
For the restoration to active status of an inactive license to practice chiropractic.....	300.00
For reinstating a license to practice chiropractic which has been suspended or revoked	500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended or revoked.....	70.00
For reinstating an inactive license to practice chiropractic which has been suspended or revoked.....	200.00
For a review of any subject on the examination.....	25.00
For the issuance of a duplicate license or certificate or for changing the name on a license or certificate.....	35.00
For written verification of licensure or issuance of a certificate of good standing.....	25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic.....	25.00

For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic	10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State.....	35.00
For a check which is made payable to the Board that is dishonored upon presentation for payment.....	25.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State.....	25.00
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic.....	50.00

NAC chapter 634.385 is hereby amended to omit Section 4 (f).

NAC 634.385 Continuing education of licensees and holders of certificates. ([NRS 634.030, 634.130](#))

1. Except as otherwise provided in subsection 7, the Board may approve or endorse an educational class or a seminar if it is designed to advance the professional skills and knowledge of the chiropractic physicians licensed, or chiropractors' assistants certified, in this State for the purpose of ensuring an optimum quality of chiropractic health care.

2. The Board may approve or endorse the attendance by licensees or holders of certificates, in person or on-line, of an educational seminar or seminars if:

(a) The syllabus and curriculum of the instructors of the seminar or seminars and the required fee are submitted to the Board;

(b) The seminar or seminars provide instruction in conformity with subsection 3 or 4 of [NRS 634.130](#), as applicable;

(c) The seminar or seminars concern the clinical aspects of a practice or another topic that the Board determines to be in the best interest of the public;

(d) The sponsor of the seminar or seminars ensures that each licensee and holder of a certificate who requests credit for continuing education to satisfy the requirement set forth in subsection 3 or 4 of [NRS 634.130](#), as applicable, attends at least 50 minutes of each hour of instruction;

(e) The seminar or seminars are sponsored by:

(1) A chiropractic college which has been accredited by:

(I) The Council on Chiropractic Education; or

(II) Another educational entity that has been approved by the Board;

(2) A state chiropractic board or association;

(3) The American Chiropractic Association, the International Chiropractors Association or the successor of either;

(4) A major hospital, as defined in [NRS 439B.115](#);

(5) An accredited university or college; or

(6) A regulatory body as defined in [NRS 622.060](#); and

~~(f) An original or a copy of a certificate of attendance at the seminar or seminars is provided directly to the Board by the sponsor, or licensee or holder of a certificate, as applicable, on or before January 1 of each odd-numbered year before the issuance of a renewal certificate.~~

3. As an alternative to the method of approval and endorsement provided in subsection 2, the Board will approve and endorse the attendance by licensees or holders of certificates, as applicable,

in person or on-line, of an educational seminar or seminars if the seminar or seminars have been granted recognition status by the Providers of Approved Continuing Education of the Federation of Chiropractic Licensing Boards.

4. The sponsor of the seminar or seminars shall ensure that each licensee or holder of a certificate, as applicable, attending that seminar is in attendance in a timely manner at the start of each lecture. If the sponsor fails to maintain the proper monitoring procedure, such failure may constitute grounds for the Board to withdraw its approval of a current or future seminar or seminars hosted or arranged by that sponsor.

5. The sponsor of a seminar shall allow any representative of the Board to attend all or part of the seminar in order to monitor the content of the course or lecture and the procedures for taking attendance. A representative who is taking the seminar to satisfy the requirements of subsection 3 or 4 of [NRS 634.130](#), as applicable, shall pay the full registration fee.

6. The sponsor of a seminar which has received the approval of the Board shall report to the Board all changes in the seminar as soon as possible.

7. Except as otherwise provided in this subsection, the Board will not award credit for continuing education to a licensee or holder of a certificate, as applicable, for an educational class or seminar that is of a nonclinical nature, including, without limitation, an educational class or seminar regarding the building or management of a chiropractic practice. For the purposes of this subsection, an educational class or seminar regarding proper billing procedures shall not be deemed to be an educational class or seminar regarding the building or management of a chiropractic practice.

8. The Board will not award credit for continuing education to an instructor of an educational class or seminar unless the instructor obtained from the Board approval for such credit before teaching the educational class or seminar.

9. Continuing education hours earned through the completion of a specific educational class or seminar may be counted only once during a calendar year toward the hours of continuing education required by subsection 3 or 4 of [NRS 634.130](#), as applicable, even if the licensee or holder of a certificate completes that class or seminar more than once during that calendar year.

10. The Board will award credit for continuing education to a licensee or a holder of a certificate for all educational classes or seminars which are approved and endorsed by the Board pursuant to this section and are attended by the licensee or holder of a certificate.

[Bd. of Chiropractic Exam'rs, eff. 4-15-63; A 3-19-65; 3-12-71] — (NAC A 7-29-88; 1-31-94; A by Chiropractic Physicians' Bd. by R030-98, 9-10-98; R034-05, 10-31-2005; R101-08, 12-17-2008; R014-10, 5-5-2011; R150-13, 3-28-2014; R010-17, 12-19-2017)

NAC chapter 634 is hereby amended to add the following new language:

NAC 634.XXX Audits by Board.

1. The Board may perform random audits of registrants or audits that are based on complaints or charges against registrants to ensure compliance with the requirements for continuing education.

2. If the Board chooses to conduct an audit of a registrant, the Board will notify the registrant of its decision to conduct an audit. The registrant shall provide to the Board detailed information and documentation concerning the continuing education

units claimed. Falsification of documentation concerning continuing education is grounds for disciplinary action.

NAC chapter 634.635 is hereby amended to omit a portion of Section 2.

NAC 634.635 Pleadings: Complaints. (NRS 634.030, 634.160)

1. A complaint as described in [NRS 634.160](#) may be made against a licensee charging him or her with one or more of the causes set forth in [chapter 634](#) of NRS for which he or she is subject to disciplinary action.

2. The original complaint must be in writing, ~~signed and verified by the person making it~~ and filed with the Executive Director of the Board.

[Bd. of Chiropractic Exam'rs, Rule of Practice No. 5, § 5.4, eff. 12-8-74] — (NAC A 11-23-93; A by Chiropractic Physicians' Bd. by R095-03, 10-22-2003)

Hogan Chiropractic

Dr. Kenneth J. Hogan
2675 E. Flamingo Road, Suite 9
Las Vegas, NV 89121
(702) 650-2227

CHIROPRACTIC PHYSICIANS
TOP BOARD OF NEVADA

APR 10 2019

RECEIVED
RENO, NEVADA 89502

Nevada Board of Chiropractic Physicians
Fax: 775-688-1920.

Dear Board,

I am writing to express my objection to your proposed regulatory change to NAC634.635 Pleadings: Complaints. (NRS 634.030, 634.160).

It is my opinion that this statute should remain the same and not omit the "signed and verified" portion. I understand that this is not exactly a Sixth Amendment to the Constitution issue, but it is reasonable to know as a practitioner whom is making a complaint against you. Without this knowledge, how could one effectively defend themselves? As this would likely increase the time and expense to defend yourself. It is my opinion that this omission could significantly increase the cost to the accused.

In an era of transparency, why does the board want to reduce transparency?

Sincerely,



Kenneth J. Hogan, D.C.

Julie Strandberg

From: James Overland <preferredchiro3@cs.com>
Sent: Tuesday, April 16, 2019 10:48 AM
To: Julie Strandberg
Subject: NAC 634.635, Section2

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

APR 16 2019

RECEIVED
RENO, NEVADA 89502

Good morning, please enter my disagreement-in deleting the language,"signed and verified by the person making it." As Past President of the NCA and present at many hearings and discussions of complaints, it is very evident the interviewing and information of the accuser was paramount.I don't know how many times a complaint was dismissed when he/she was unable to be contacted to discuss the matter. How is this Board going to handle these complaints without adequate information? Please enter my objection to this proposed action. Thank you.Please acknowledge receipt of this communication.

Sent from my iPhone

Julie Strandberg

From: Jerian Chiropractic <jerianchiro@yahoo.com>
Sent: Tuesday, April 16, 2019 1:11 PM
To: Julie Strandberg
Subject: Adoption of Regulation

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

APR 16 2019

RECEIVED
RENO, NEVADA 89502

To: The Chiropractic Physicians' Board of Nevada

I am writing with concern to the proposed changes to NAC Chapter 634.635 Section 2, to omit the language of complaints needing to be "signed and verified by the person making it". I believe that allowing the complaints to be anonymous does not hold the claimant to any accountability, it does not allow for growth and learning for the chiropractor to be able to reflect upon circumstances that may have brought on the complaint, nor does it give him or her the ability to defend themselves should a complaint be made against them.

Sincerely,

Tony Jerian, D.C.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: 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)

RECOMMENDED MOTION: No recommendation.

PRESENTED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 15 minutes

BACKGROUND INFORMATION: James Overland, Jr. has appeared at the Board's July 19, 2018, October 5, 2018, and January 10, 2019 meetings to provide updates on his progress to complete his application for licensure. This appearance is to continue reporting on his progress. In addition, there was a recommendation at the January 10, 2019 Board meeting that the Board provide Dr. Overland with a plan of action considering the passing of the National Board's Part IV exam, which will make his application complete.

Please see attached past Board orders for reference.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

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.

January 11, 2019 the Board received a check from Dr. Overland Jr. in the amount of 250.00.

October 5, 2018 the Board received a check from Dr. Overland Jr. in the amount of 250.00.

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.

BEFORE THE NEVADA STATE BOARD OF CHIROPRACTIC EXAMINERS

RECEIVED AUG - 4 1995

Reno Nevada 89502

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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1 Law and accompanying regulations during the probationary period, his license shall be
2 automatically suspended.

3 Dated this 1TH day of August, 1995.
4

5
6 STATE BOARD OF CHIROPRACTIC EXAMINERS

7
8 By: Jeffrey D. Andrews DC
9 President of the Board

BEFORE THE CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

Complaint No. #01-26

In the Matter of

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).

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.

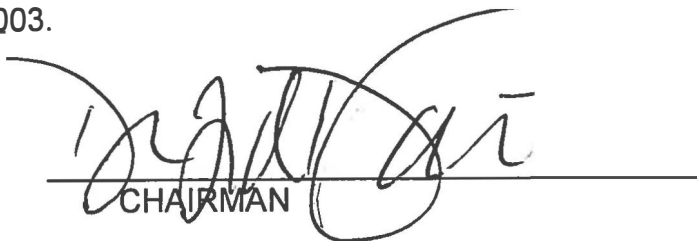
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7. Respondent is ordered to re-take and pass the Nevada Law Test within 90 days of the date of the Board's order. Respondent has two (2) opportunities to pass the test within the 90 days.

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

ORIGINAL

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Oiled: 10:42 A.M.

MAY 31 2007

ev'lie Wade

RECEIVED
RENO, NEVADA 89502

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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

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

ELIZABETH J. FOLEY
LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II
Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

1 634.430(1)(e)(1), by billing patients for adjustments that were not
2 actually provided; (4) NRS 634.018(11), including NAC
3 634.435(1), by failing to keep clear, complete and accurate patient
4 records; (5) NRS 634.018(11), including NAC 634.430(1)(g), by
5 providing falsified SOAP notes to the board's investigator; (6)
6 NRS 634.018(11), including NAC 634.430(1)(g), by failing to
7 provide employment records as requested by the board's
8 investigator; (7) NRS 634.018(11), including NAC 634.430(1)(h),
9 by failing to provide patient records upon request
10

11
12 3) Respondent has practiced Chiropractic in the State of Nevada under the business
13 names of Affiliated Chiropractic Center in Pahrump, Nevada and Advantage
14 Chiropractic in Henderson, Nevada.

15 4) On February 23, 2007, Respondent was issued a Board Complaint which alleged
16 as follows:
17

18 A) Dr. JAMES T. OVERLAND JR., had allowed unlicensed persons to
19 treat patients in his Pahrump Office; and

20 B) DR. JAMES T. OVERLAND, JR. violated Chiropractic Statutes and
21 Regulations governing patient record keeping; and

22 C) DR. JAMES T. OVERLAND JR., engaged in misrepresentation with
23 respect to his chiropractic practice; and

24 D) DR. JAMES T. OVERLAND JR., obstructed the Board's lawful
25 investigation and failed to comply with Board subpoenas; and
26

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

3
4) 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

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

ELIZABETH J. FOLEY
LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II
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fNRS 634.018 (11) I

1
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

11 C) Respondent shall pay the sum of [Forty Two Thousand and Six
12 Dollars and Thirty Eight Cents (\$42,006.38)] to the Board for costs for
13 investigative and attorneys fees incurred by the Board to date; and one
14 half of this amount Twenty One Thousand and Three Dollars and
15 Nineteen Cents, (\$21,0003.19) shall be paid to the Board on or before
16 August 12, 2007 and the balance to be paid in the amount of \$1666.66
17 monthly payments beginning September 12, 2007 and continuing until
18 paid in full; and
19

20 D) Pursuant to NRS 634.190(2)(d) Respondent agrees to the suspension
21 of his Chiropractic license for a period of one (1) year beginning August
22 12, 2007. Respondent shall not be present at the premises of Advantage
23 Chiropractic in Henderson, Nevada during normal business hours during
24 the one (1) year suspension period. Normal business hours are defined as
25 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

ELIZABETH J. FOLEY
LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II
Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

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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

ELIZABETH J. FOLEY
LAWYER, L.T.D.
601 S. Rancho Drive, Suite A-1
Quail Park II
Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

1 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

ELIZABETH J. FOLEY
LAWYER, LTD.
601 S. Rancho Drive, Suite A-1
Quail Park II
Las Vegas Nevada 89106
Phone: (702) 363-2323 • Fax: (702) 380-4035

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

ORIGINAL

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Oiled 11:28 AM
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RECEIVED
RENO, NEVADA 89502

BEFORE THE CHIROPRACTIC
PHYSICIANS BOARD OF NEVADA

1	IN THE MATTER OF)	
2)	
3	JAMES OVERLAND, JR. D.C.)	CASE NO. 06-18
4	LICENSE NO.: B526)	06-19
5)	06-22
6)	Written Charges Pursuant to NRS 634
7	Respondent.)	

ORDER REVOKING LICENSE OF JAMES OVERLAND JR.

10
11
12 On July 13, 2007, the CHIROPRACTIC PHYSICIANS BOARD OF NEVADA
13 (Hereinafter " Board"), held a hearing regarding the Complaint and Notice of Hearing
14 filed Against James Overland, Jr., D.C. Present at the Board Meeting were the
15 following Board Members: Stephanie Youngblood D.C., President; Margaret Colucci
16 D. C. Vice-President ; Ian Yamane, D.C., Secretary; Richard P. McCann, J.D.,
17 Consumer Member; Deed Harrison, D.C., Member; and Curtis Potts, D.C., Member.

18
19 By a majority vote on July 13, 2007 the Chiropractic Physicians' Board of
20 Nevada approved and adopted the terms and conditions set forth in this Order Revoking
21 License of JAMES T. OVERLAND, JR. D.C. Respondent

22 Present for the Board and prosecuting this action was Elizabeth J. Foley, Esq. Also present
23 at the hearing was Cindy Wade, Executive Director of the Board. Gina Sessions, Esq., Deputy
24 Attorney General, sat as Board counsel for purposes of this disciplinary action. James Overland,
25 Jr., D.C. was not present and was not represented by legal counsel.
26

27 Based upon the provisions of NRS Chapter 634 and NAC Chapter 634, and pursuant to the
28 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 (1) 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 B) Respondent shall pay a fine to the Board in the amount of Ten Thousand Dollars
16 (\$10,000.00) to be paid by August 12, 2007 and prior to reactivation of
17 Respondents License Number B-526 and said amount shall be reported to the
18 National Practitioners Data Bank; and
- 19
- 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, (\$21,0003.19) 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
27
28

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

9
10 E) Respondent agrees to be placed on probation for a period of three (3) years
11 beginning at the end of the suspension . During the three (3) year probationary
12 period, Respondent shall allow a Board member and /or, the Compliance Officer,
13 approved by the Board and/or its agent to enter and inspect at any time his
14 chiropractic facility and review his patient records, including but not limited to new
15 patient and patient contact information, releases, liens, examination, x-rays and x-
16 ray reports, treatment records SOAP notes, superbills, sign-in sheets, narrative
17 reports, billing and payment records, receipt books, appointment calendars, and any
18 other records related to patient care, and all documents and records related to his
19 employment of persons to perform any manner of treatment to his patients,
20 including but not limited to employment applications, payroll records, registration
21 applications, correspondence with the Board, training programs and certificates.
22 Further upon request, Respondent must make available copies of any and all
23 agreements with any and all third parties; and

24
25 F) Respondent agrees to take, and pass, the National Chiropractic Board Ethics and
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- 1 Boundaries Examination within one year of the adoption of this Agreement; and
- 2 G) Respondent agrees to take an additional twelve hours of continuing education
- 3 course on record-keeping within one year; and
- 4
- 5 H) Respondent agrees to reimburse the Board on a quarterly basis for the costs of
- 6 hiring a Board appointed Compliance Officer who will physically meet and monitor
- 7 his practice and file a written report quarterly on Dr. DR. JAMES OVERLAND,
- 8 JR.'s compliance with and adherence to Nevada Statutes, Rules, and Regulations
- 9 for a period of three (3) years from the end of the suspension of Dr. JAMES T.
- 10 OVERLAND JR's license pursuant to Section 11(d) .; and
- 11
- 12 I) Respondent agrees to strictly adhere to Chapter 634 of the Nevada Revised Statutes
- 13 and the Nevada Administrative Code; and
- 14
- 15 J) Any violation of this Agreed Settlement of NRS or NAC Chapter 634 constitutes
- 16 grounds for the Board to take appropriate disciplinary action against Respondent;
- 17 and
- 18 K) DR. JAMES T. OVERLAND JR., hereby confesses to Judgment and agrees that
- 19 any unpaid portion of the costs and fees shall be reduced to a judgment for punitive
- 20 damages upon default; and
- 21
- 22 L) DR. JAMES T. OVERLAND JR. will sign all further documents necessary to
- 23 effectuate this agreement including but not limited to a Security Agreement; and
- 24
- 25 M) Dr. JAMES T. OVERLAND JR. will timely comply with all Board investigations,
- 26 records requests, and subpoenas; and
- 27
- 28 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

1 his Chiropractic License and continuing to practice Chiropractic on a suspended license;
2 and
3 8) Respondent JAMES OVERLAND, JR., was previously found guilty of the following
4 violations: (1) NRS 634.018(15) and/or NRS 634.018(11), including NAC 634.415 and/or
5 NAC 634.430(m), by permitting unlicensed personnel to perform patient services; (2) NRS
6 634.018(11), including NRS 634.125, and/or NAC 634.415 and/or NAC 634.119, by
7 allowing the treatment of his patients while he was absent from his practice; (3) NRS
8 634.018(11), including NAC 634.430(1)(e)(1), by billing patients for adjustments that were
9 not actually provided; (4) NRS 634.018(11), including NAC 634.435(1), by failing to keep
10 clear, complete and accurate patient records; (5) NRS 634.018(11), including NAC
11 634.430(1)(g), by providing falsified SOAP notes to the board's investigator; (6) NRS
12 634.018(11), including NAC 634.430(1)(g), by failing to
13 provide employment records as requested by the board's investigator; (7) NRS
14 634.018(11), including NAC 634.430(1)(h), by failing to provide patient records upon
15 request. Effective June 20, 2003 Dr. Overland's license was suspended for three years with
16 the suspension stayed provided he reimburse the board \$52,011.23 for its costs within 90
17 days of the effective date of the board's order; Dr. Overland Jr. he was assessed a fine in the
18 amount of \$7,000 to be paid within twelve months of the effective date of the board's order;
19 he was required to attend a board approved record keeping seminar with credit to be given
20 for renewal of his license and to attend a board approved ethics course, both to be attended
21 within twelve months; he was required to hire at his expense a board approved compliance
22 officer to monitor his practice for three years with quarterly reports to be submitted to the
23 board; he was required to take and pass the CPBN law test within 90 days of the effective
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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 1) The case was properly noticed pursuant to NRS 241.020; and
4
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 Board 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 IT IS FURTHER ORDERED that James Overland, Jr. pay a fine of Ten Thousand Dollars
26 (\$10,000.00) to the State of Nevada prior to filing any application for reinstatement of his Nevada
27
28

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.

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14
15
16 BY Dr. Stephanie Youngblood
17 STEPHANIE YOUNGBLOOD, D.C.
18 President, Chiropractic Physicians' Board of
19 Nevada
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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 10 Board Counsel Report – No action.**

RECOMMENDED MOTION: **No recommendation**

PRESENTED BY: **Louis Ling**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 10

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, Sr., DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 11

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

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

PRESENTED BY: **TBD**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 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 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: April 23, 2019

TIME REQUIRED: 60 minutes

BACKGROUND INFORMATION:

- A. Complaint 16-11S (Colucci)**
- B. Complaint 17-08S (Martinez)**
- C. Complaint 17-24S (Jaeger)**
- D. Complaint 17-28S (Colucci)**
- E. Complaint 18-08S (Jaeger)**
- F. Complaint 18-11S (Jaeger)**
- G. Complaint 18-12S (Jaeger)**
- H. Complaint 18-13S (Rovetti)**
- I. Complaint 18-15S (Jaeger)**
- J. Complaint 18-17S (Jaeger)**
- K. Complaint 18-18N (Martinez)**
- L. Complaint 19-01N (Martinez)**
- M. Complaint 19-02S (Colucci)**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13A 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: April 23, 2019

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. The Advantage Group conducted a thorough review of the patients' records and has provided it to the Board for review.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13B** 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 17-08S (Dr. Martinez)

RECOMMENDED MOTION: **Dismissal.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **This complaint was scheduled to go to a hearing, however due to unforeseen circumstances has been dismissed.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13B

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13C 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 17-24S (Dr. Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

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 13D 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 17-28S (Dr. Colucci)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Maggie Colucci, DC

MEETING DATE: April 23, 2019

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 and is under investigation.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13E 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 18-08S (Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

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.

May fall under the Attorney General Opinion 2018-03.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13E

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13F 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 18-11S (Dr. Jaeger)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Jason O. Jaeger, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: Legality of a non-licensed DC performing peer reviews on Nevada DC's.

May fall under the Attorney General Opinion 2018-03.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13G** 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 18-12S (Dr. Jaeger)

RECOMMENDED MOTION:

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Legality of a non-licensed DC performing peer reviews on Nevada DC's.**

May fall under the Attorney General Opinion 2018-03.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13G

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13H 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 18-13S (Dr. Rovetti)

RECOMMENDED MOTION: No recommendation

PREPARED BY: Morgan Rovetti, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: This complaint originated with Farmers Insurance through the National Insurance Crime Bureau with respect to a Physical Therapy group. The concern was the charges and the use of billing codes and what appears to possibly be a chiropractic adjustment.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13I** 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 18-15S (Dr. Jaeger)

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the DC is allowing staff to perform unsupervised CA duties in the office.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13I

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13J** 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 18-17S (Dr. Jaeger)

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The complainant alleged that the chiropractor is acting outside the scope of chiropractic.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13J

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13K** 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 18-18N (Dr. Martinez)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **The chiropractor was advertising a procedure outside the scope of practice.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13K

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: Agenda Item 13L 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 19-01N (Dr. Martinez)

RECOMMENDED MOTION: No recommendation.

PREPARED BY: Xavier Martinez, DC

MEETING DATE: April 23, 2019

TIME REQUIRED: 5 minutes

BACKGROUND INFORMATION: This complaint was filed by an MD on behalf of the patient. The complainant alleged unprofessional conduct/malpractice.

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13L

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 13M** 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 19-02S (Dr. Colucci)

RECOMMENDED MOTION: **Dismissal.**

PREPARED BY: **Maggie Colucci, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **Alleged unlicensed practice.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 13M

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 14** Committee Reports - For possible action

- A. Continuing Education Committee (Dr. Martinez) – For possible action.**
- B. Legislative Committee (Dr. Jaeger) – For possible action.**
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.**
- D. Test Committee (Dr. Rovetti) – For possible action.**

RECOMMENDED MOTION: **No recommendation**

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

MEETING DATE: **April 23, 2019**

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 Discussion and potential action regarding the on-line CA Examination process – For possible action.**

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION: **Please see the attached outline for reference with respect to the discussion regarding the online CA examination process.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

NAC 634.305 Examination for certification as chiropractor's assistant; passing score; failure to pass; failure to appear. (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 for a closed-book examination or a score of at least 90 percent for an open-book 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 for a closed-book examination or a score of at least 90 percent for an open-book 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 for a closed-book examination or a score of at least 90 percent for an open-book 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 receive a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book 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 received a score of at least 75 percent for a closed-book examination or a score of at least 90 percent for an open-book examination.

8

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.

NAC 634.350 Application for certification: Filing; requirements; expiration; waiver of requirements. ([NRS 634.030](#), [634.123](#))

1. An applicant for a certificate as a chiropractor’s assistant must file an application with the Board on a form furnished by the Board and pay the required fee within 15 days after the date on which the applicant has begun performing duties as a chiropractor’s assistant. An applicant who has not begun performing duties as a chiropractor’s assistant may file an application at any time after completing his or her formal training required pursuant to [NRS 634.123](#).

2. The application must set forth:

(a) The date of the application.

(b) The applicant’s date and place of birth and two personal references based upon 5 years’ acquaintance.

(c) The applicant’s name, age, social security number, sex and current residence.

(d) The name and mailing address of the applicant’s current employer, if any.

(e) If applicable, the date on which he or she was hired to perform the duties of a chiropractor’s assistant.

(f) Whether or not the applicant has ever applied for certification as a chiropractor’s assistant in another state. If the applicant has so applied, he or she must state when and where he or she applied and the result of that application.

(g) If the applicant has been certified in another state, whether any proceeding to discharge, dismiss or discipline him or her or other similar proceeding has ever been instituted against him or her and the disposition of each such proceeding.

3. **An application expires after 1 year.**

4. For good cause shown, the Board may, at its discretion, waive one or more of the requirements of this section.

CHIROPRACTOR'S ASSISTANT

CA & LAW EXAM

****The applicant must be given/receive two attempts to take the exam in-person or on-line****

In-Person Exam:

Currently the CA exam is offered in-person twice each year (February and August) in Reno and Las Vegas.

- Should the exam continue to be held in-person twice each year (February & August)?
- Fee: \$75.00 Paid to the Board Office for both the CA & Law Exam.
- Timed: Law = 30 minutes; CA = 50 minutes
- Need to put a grading system in place, i.e. scan tron

On-Line Exam: MyiCourse (Proposal)

- Does the Board wish to allow each tester the opportunity to take the exam in-person?
- If the exam is offered once in-person (May), offer the online exam quarterly:
 - March, June, September, December OR
- Offer the exam two times in person and two times online.
- Retakes would just follow the quarterly schedule.
- If an applicant does not take the exam when eligible (put a NAC in place)
- Legal & Privacy Agreement
- Proposed Time: **Law: 60 minutes? CA: 80 minutes?**

Example: Offer the on-line exam-

* 2nd week of the month = 1st and 3rd time testers (payment required)

* 3rd week of the month = 2nd and 4th time testers (no payment required)

Exam fee? The fee is \$75.00 for the CA and Law exam.

- 1st time testers: \$75.00 (Law = \$37.50; CA = \$37.50)
- 2nd time testers: No fee
- 3rd time testers: \$75.00
- 4th time testers: No fee

Notes:

- *Mycourse settings cannot be set per user, i.e. fee*
- *Once a user has set up username/password they may retake an exam immediately.*

Potential Issue: *Since the fee does not apply to 2nd and 4th time testers these exams would be set up in Mycourse, without a fee (of course) HOWEVER, anyone would be able to take the exam at any time.*

Comments from DC testers: Platform is not user-friendly

- *Cannot go back & review questions.*
- *Timed-2 minutes per question is not enough time.*
- *Re-write T/F questions as multiple choice.*
- *90% passing is too high.*

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 16** – Executive Director Reports – No action.

- 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: **April 23, 2019**

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 – April 23, 2019

Complaint No.	Date Received	Investigator	Nature of Complaint	Current Status	Costs To Date
16-11S	9/7/2016	Colucci	Erroneous records and billings	Under investigation	\$3,783.93
17-08S	3/3/2017	Lurie-Martinez	Alleged misconduct	Under investigation	\$4,410.28
17-24S	8/9/2017	Jaeger	Alleged unprofessional conduct	Under investigation	\$685.00
17-28S	9/12/2017	Colucci	Failure to report malpractice claim	Under investigation	
18-08S	7/17/2018	Jaeger	Legality of a non-licensed DC testifying as an expert in Nevada	Pending AG Opinion	
18-11S	7/5/2017	Jaeger	Legality of a non-licensed DC performing peer reviews in NV.	Pending AG Opinion	
18-12S	8/13/2018	Jaeger	Legality of a non-licensed DC performing peer reviews in NV.	Pending AG Opinion	
18-13S	8/20/2018	Rovetti	Allegedly practicing outside the scope of a physical therapist	Under investigation	
18-15S	9/25/2018	Jaeger	Allegedly allowing staff to perform duties while absent from the office.	Under Investigation	\$1,293.20
18-17S	11/2/2018	Jaeger	Allegedly acting outside the scope of chiropractic	Under investigation	
18-18N	12/13/2018	Martinez	Allegedly advertising outside the scope of chiropractic	Under investigation	\$45.00
19-01N	1/11/2019	Martinez	Alleged unprofessional conduct/malpractice	Under investigation	\$30.00
19-02S	1/28/2019	Colucci	Alleged unlicensed practice	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	
18-03S	2/20/2018		Alleged unlicensed practice	Will be addressed if this individual reappears in Nevada.	

STATUS OF CURRENT DISCIPLINARY ACTIONS at March 31, 2019

Disciplinary Action with Probation

1. Stephen Alexander, DC, License No. B958

Dr. Alexander entered into a Settlement Agreement and Order on July 19, 2018 and will be on probation for one year. A practice monitor will meet with Dr. Alexander on a quarterly basis and report to the Board with the findings. Dr. Alexander shall reimburse the Board \$933.40 for costs and fees incurred during the investigation and a fine in the amount of \$500.00 within 90 days of the date of this order. Dr. Alexander shall take and pass the jurisprudence exam and take four hours of continuing education relating to the making and keeping of patient records. **Dr. Alexander has completed all stipulations of the Order with the exception of probation, which ends on July 19, 2019.**

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. Jarina Kong, DC, License No. B01671

Dr. Kong entered into a Settlement Agreement and Order on January 10, 2019. A practice monitor will randomly meet with Dr. Kong over the period of one year to review patient records for accuracy. Dr. Kong shall reimburse the Board \$318.75 for costs and fees incurred during the investigation within 30 days of the date of this order and take 12 hours of continuing education relating to the making and keeping of records and 12 hours related to patient communication, informed consent, and ethics and boundaries within 150 days of the date of this order. **Dr. Kong has reimbursed the Boards costs of \$318.75.**

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. 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. **Dr. Rubin's probation ends on September 10, 2019. The current balance of the Board costs due is \$1,350.00.**

6. 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 completed all stipulations of the Order with the exception of probation, which ends on January 31, 2021.**

Disciplinary Actions with No Probation

7. 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 \$15,571.00. Dr. Raines is in compliance with the terms of the Order.**

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 his order and will be released from probation effective February 28, 2020.**

IAN YAMANE, D.C.
2851 N. TENAYA WAY, STE. 103
LAS VEGAS, NEVADA 89128
(702) 309-4878
(702)309-4879 fax

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

MAR 18 2019

RECEIVED
RENO, NEVADA 89502

QUARTERLY REPORT

March 15, 2019

Jason Jaeger, D.C.
Chiropractic Physician's Board of Nevada
4600 Kietzke Lane, M-245
Reno, NV 89502

RE: Stephen Alexander, D.C.

Probationary Period: 7/2018-7/2019

Dear Dr. Jaeger:

Facility Inspection

On March 5 of 2019 I conducted a quarterly inspection at Dr. Alexander's place of employment. Since my last visit, Amber Phillips, Gia Paglia, and Janelle Shelfow, started working as licensed massage therapists under Dr. Alexander's employ. Dr. Alexander has made no changes to his office layout.

Record Keeping

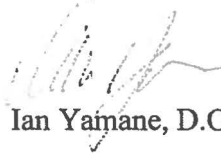
I reviewed a random selection of patient charts (KB, GH, ET, IP, DR, MS, CD) to assure their compliance with NAC 634.435. Travel cards were used to indicate what date the patient was treated. All other SOAP notes were indicated within the EMR system. Diagnosis' were based on the initial evaluation and medical history. Appropriate subjective, objective finding, diagnosis, and plan were noted for each visit. Dr.

Alexander's initials were computer stamped for each visit. Soft tissue work continues to be performed by massage therapists. The notations did indicate who applied the treatment and to what region of the body was addressed.

Conclusion

It appears that Dr. Alexander's office is managed and supervised appropriately. He was able to indicate which therapist applied the therapy within his notes. My next visit will be in June of 2019.

Sincerely,



Ian Yamane, D.C.

Cc: Stephen Alexander, D.C.
CPBN Office

CHIROPRACTIC PHYSICIANS' BOARD**Legal/Investigatory Costs**

Costs Incurred	Since Last Report January 2018	Year-To-Date Fiscal Year 2018/2019
Advantage Group	19.50	6,292.34
Attorney General	-	13,583.69
Sub-Total	19.50	19,876.03
Staff Attorney	2,445.00	4,695.00
Total	\$ 2,464.50	\$ - \$ 24,571.03
Costs Reimbursed		
Mark Rubin, DC	\$ 150.00	\$ 1,150.00
James Overland Jr., DC	\$ 250.00	\$ 2,920.98
Totals	\$ 150.00	\$ 4,070.98
No Activity		
Corazon Murillo, DC	-0-	\$ 10,024.21
Obteen Nassiri, DC	-0-	\$ 114,614.24
	\$ -	\$ 124,638.45

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 17 Financial Status Reports– No action.**

- 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.**

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

PRESENTED BY: **Julie Strandberg**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

**CHIROPRACTIC PHYSICIANS' BOARD
BANK BALANCE REPORT
As of January 31, 2019**

AGENDA ITEM 17A

CHECKING ACCOUNT	414,488.77
SAVINGS ACCOUNT	392,676.69
SAVINGS ACCOUNT - Restricted	19,458.00
Paypal	871.52
Total Cash Balance @ 01/31/19	<u>\$827,494.98</u>

ACCOUNTS RECEIVABLE SUMMARY AS OF January 31, 2019

A/R	0.00
Fines	22,646.00
Cost Reimbursements	45,775.13
Total A/R	<u>\$68,421.13</u>

**ACCOUNTS PAYABLE SUMMARY
As of January 31, 2019**

AGENDA ITEM 17C

State Treasurer - Fines collected/payable	4,854.00
Total Accounts Payable	<u>\$ 4,854.00</u>

Extraordinary Items

AGENDA ITEM 17D

***Employee Accrued Compensation as of 01/31/19**

	Vacation Hours	Sick-Leave Hours
Julie Standberg	81.11	978.28
Brett Canady	23.00	7.00

Chiropractic Physicians' Board of Nevada
Income/Expense Report To Budget - CASH BASIS
For the Period Ending January 31, 2019

AGENDA ITEM 17E

	Actual July 1, 2018 thru January 31, 2019	Budget FY 06/30/19	Variance
Revenue			
License & Fees	496,495.00	248,250.00	(248,245.00)
Application & Fees	20,470.00	26,450.00	5,980.00
Interest/Gain Loss on Invest	21,383.58	1,000.00	(20,383.58)
Exam Fees	10,825.00	9,375.00	(1,450.00)
Reinstatement Fees	12,410.00	7,500.00	(4,910.00)
Miscellaneous	14,760.25	21,875.00	7,114.75
Reimbursement Income	1,783.40	30,484.00	28,700.60
TOTAL REVENUE	\$ 578,127.23	\$ 344,934.00	(233,193.23)
Expenses			
Background Checks	5,193.00	7,000.00	1,807.00
Banking Expenses	9,968.04	7,720.00	(2,248.04)
Dues & Registration	2,676.54	4,000.00	1,323.46
Equipment Repair	-	-	-
COMPUTER: Equipment/Software/Websites	9,263.36	12,500.00	3,236.64
Insurance	877.61	1,500.00	622.39
Legal & Professional	53,972.35	99,800.00	45,827.65
Operating Supplies	1,721.97	4,000.00	2,278.03
Printing & Copying	2,122.22	3,500.00	1,377.78
Postage	2,456.12	5,000.00	2,543.88
Casual Labor - Clerical	-	4,000.00	4,000.00
Personnel	-	-	-
Office Salaries	65,340.40	127,000.00	61,659.60
Board Salaries	2,550.00	10,000.00	7,450.00
Workman's Compensation	1,220.73	6,000.00	4,779.27
Retirement - PERS	12,000.29	31,857.00	19,856.71
Employee Insurance - PEBP	11,902.33	21,000.00	9,097.67
Unemployment	364.49	2,275.00	1,910.51
Medicare & Social Security	947.43	5,037.00	4,089.57
Payroll Processing	478.00	450.00	(28.00)
Rent	9,594.96	14,258.00	4,663.04
Telephone	1,222.93	4,000.00	2,777.07
Travel	-	-	-
In State	6,341.42	10,000.00	3,658.58
Out State	486.74	10,000.00	9,513.26
TOTAL EXPENSES	\$ 200,700.93	\$ 390,897.00	\$ 190,196.07
NET RESULT	\$ 377,426.30	\$ (45,963.00)	
BEGINNING CASH BALANCE 07/01/18	269,959.31		
NET OPERATING RESULT	647,385.61		
Equipment Purchases		2,000.00	

Beginning Cash reported less \$19,458 Restricted Funds.

Chiropractic Physicians' Board of Nevada
Income/Expense Report - CASH BASIS
For the Period July 1, 2018 thru January 31, 2019

AGENDA ITEM 17E

	Actual July 1, 2018 thru January 31, 2019	Actual July 1, 2017 thru January 31, 2018
Revenue		
License & Fees	496,495.00	33,661.25
Application & Fees	20,470.00	15,692.50
Interest/Gain Loss on Invest	21,383.58	1,312.66
Exam Fees	10,825.00	8,417.12
Reinstatement Fees	12,410.00	480.00
Miscellaneous	14,760.25	13,620.75
Reimbursement Income	1,783.40	52,695.55
TOTAL REVENUE	\$ 578,127.23	\$ 125,879.83
Expenses		
Background Checks	5,193.00	4,138.00
Banking Expenses	9,968.04	3,298.23
Dues & Registration	2,676.54	2,319.81
Equipment Repair	-	-
COMPUTER: Equipment/Software/Websites	9,263.36	10,037.56
Insurance	877.61	887.13
Legal & Professional	53,972.35	31,796.40
Operating Supplies	1,721.97	784.61
Printing & Copying	2,122.22	1,587.13
Postage	2,456.12	2,733.91
Casual Labor - Clerical Personnel	-	-
Office Salaries	65,340.40	66,482.77
Board Salaries	2,550.00	3,281.26
Workman's Compensation	1,220.73	(255.14)
Retirement - PERS	12,000.29	11,679.74
Employee Insurance - PEBP	11,902.33	11,807.90
Unemployment	364.49	701.40
Medicare & Social Security	947.43	1,121.98
Payroll Processing	478.00	426.00
Rent	9,594.96	8,733.71
Telephone	1,222.93	1,303.86
Travel		
In State	6,341.42	3,201.75
Out State	486.74	3,456.55
TOTAL EXPENSES	\$ 200,700.93	\$ 169,524.56
NET RESULT	\$ 377,426.30	\$ (43,644.73)
BEGINNING CASH BALANCE 07/01/17	269,959.31	
NET OPERATING RESULT	647,385.61	

Beginning Cash reported less \$19,458 Restricted Funds.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Julie Strandberg, Executive Director**
Xavier Martinez, DC, Secretary-Treasurer

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA
Budget 2019/2020 and 2020/2021

	7/1/19-6/30/20	7/1/20-6/30/21	Total 2-Yr
	FY2018	FY2019	Budget
	<u>2019/2020</u>	<u>2020/2021</u>	<u>Budget</u>
Balance Forward from Previous Year	<u>650,000</u>	<u>682,054</u>	<u>1,332,054</u>
Ordinary Income/Expense			
Income			
4000 - Licensing & Renewal Fees			
4010 - Active DC License	226,500	226,500	453,000
4020 - Inactive DC License	11,500	11,500	23,000
4030 - CA Certificate	11,000	11,000	22,000
4050 - Temp DC License	1,100	1,100	2,200
4055 - New DC License	6,750	6,750	13,500
Total 4000 - Licensing & Renewal Fees	<u>256,850</u>	<u>256,850</u>	<u>513,700</u>
4100 - Application Fees			
4110 - DC Application	7,000	7,000	14,000
4130 - CA Application	17,500	17,500	35,000
4150 - Preceptor Application	560	560	1,120
Total 4100 - Application Fees	<u>25,060</u>	<u>25,060</u>	<u>50,120</u>
4200 - Exam Fees			
4210 - DC Exam Fees	3,750	3,750	7,500
4230 - CA Exam Fees	6,750	6,750	13,500
Total 4200 - Exam Fees	<u>10,500</u>	<u>10,500</u>	<u>21,000</u>
4610 - CE Fees	15,000	15,000	30,000
Total 4610 - CE Fees	<u>15,000</u>	<u>15,000</u>	<u>30,000</u>
4300 - Reimbursement Income	4,100	4,100	8,200
4400 - Reinstatement Fees	7,500	7,500	15,000
4600 - Miscellaneous Income			
4620 - Letter of Good Standing	250	250	500
4640 - Labels/Lists	625	625	1,250
4650 - Misc. (fingerprint fees)	7,594	7,594	15,188
4660 - Expedite Fee	105	105	210
Total 4600 - Miscellaneous Income	<u>50,174</u>	<u>50,174</u>	<u>100,348</u>
TOTAL INCOME	<u>369,184</u>	<u>354,184</u>	<u>708,368</u>
TOTAL INCOME PLUS RESERVE	<u>1,019,184</u>	<u>1,036,238</u>	<u>2,040,422</u>

Expense	<u>FY2018</u> <u>2017/18</u>	<u>FY2019</u> <u>2018/19</u>	<u>Total 2-Yr</u> <u>Budget</u>
5000 - Payroll Salaries	<u>119,937</u>	<u>119,937</u>	<u>239,874</u>
5100 - Payroll Tax Expense			
5110 - Medicare Employer Expense	1,740	1,740	3,480
5130 - NV Unemployment	1,000	1,000	2,000
Total 5100 - Payroll Taxes	<u>2,740</u>	<u>2,740</u>	<u>5,480</u>
5200 - Payroll Benefits			
5210 - Retirement - PERS	29,208	29,208	58,416
5220 - Health Ins - PEBP	21,982	21,982	43,964
5230 - Workman Comp Ins	2,345	2,345	4,690
5240 - Payroll Processing -Quickbooks	548	548	1,096
Total 5200 - Payroll Benefits	<u>54,083</u>	<u>54,083</u>	<u>108,166</u>
5399 - Board Expenses			
5310 - Board Salaries	6,300	6,300	12,600
5320 - Board Meeting Expense	1,815	1,815	3,630
5400 - Travel			
5410 - In State	6,000	6,000	12,000
5420 - Out of State	8,000	8,000	16,000
Total 5400 - Travel	<u>14,000</u>	<u>14,000</u>	<u>28,000</u>
5500 - General Administrative			
5505 - Background Checks	7,594	7,594	15,188
5510 - Rent - Board Office	14,816	14,816	29,632
5515 - Telephone	2,320	2,320	4,640
5520 - Operating Supplies	1,900	1,900	3,800
5525 - Postage	4,634	4,634	9,268
5530 - Printing/Copying	3,000	3,000	6,000
5535 - Dues/Registrations	8,873	8,873	17,746
5540 - Insurance - Genl Lia.	876	876	1,752
5545 - Computer - GL Suite	13,972	13,972	27,944
5550 -Computer - Miscellaneous	1,311	1,311	2,622
5555 - Computer - State Server EITS	973	973	1,946
5560 - Banking	4,000	4,000	8,000
5565 - PayPal Credit Card Svc.	720	720	1,440
5570 - Casual Labor	4,000	4,000	8,000
Total 5500 - General Administrative	<u>68,989</u>	<u>68,989</u>	<u>137,978</u>

	<u>FY2020</u> <u>2019-2020</u>	<u>FY2021</u> <u>2020-2021</u>	<u>Total 2-Yr</u> <u>Budget</u>
Expense (Cont'd)			
5600 - Professional Fees			
5610 - Accounting/Audit	12,800	12,800	25,600
5650 - Prof - General Investigations	18,325	18,325	36,650
5660 - Prof-Legal	16,000	16,000	32,000
5670 - Lobbyist	19,956	34,950	54,906
Total 5600 - Professional Fees	<u>67,081</u>	<u>82,075</u>	<u>149,156</u>
EQUIPMENT PURCHASES	2,000	2,000	4,000
TOTAL EXPENSES	335,130	350,124	685,254
	<u>RESERVE</u>	<u>682,054</u>	<u>684,114</u> <u>1,351,168</u>

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Xavier Martinez, DC, Secretary-Treasurer
Morgan Rovetti, DC, Vice President**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **15 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 20** – Discussion and potential action regarding Guidelines for Timely Response - For possible action.

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 20

Julie Strandberg

From: Dr. Jason O. Jaeger
Sent: Monday, October 29, 2018 4:26 PM
To: Julie Strandberg; Benjamin S. Lurie; Margaret Colucci; Morgan Rovetti; Xavier Martinez; Tracy DiFillippo; John Bertoldo; Louis Ling
Subject: Guidelines for Timely Response to business of the Board of Chiropractic Physicians of Nevada

Categories: Red Category

Hello fellow board members of the Nevada Board of Chiropractic Physicians:

****Please do not reply ALL for compliance with Open Meeting Laws. ****

This correspondence is to address a productivity observation that has created some impediments to our function and service in our capacity as board members, serving our great state of Nevada.

You all have been chosen by Governor Sandoval to give back and serve. In many ways this is simultaneously a great honor and burden.

For these reasons, we will have this subject, specifically agenda'ed for our upcoming January 2019 meeting.

In the meantime it is my "WISH" that all board members, executive staff and counsel, from here forward collectively referred to as "TEAM" voluntarily agree to operate within these guidelines, effective now.

- 1) Any correspondence, call, text, or email from a member of the board, executive staff, and counsel shall be be acknowledged as having been received as a courtesy to your fellow TEAM members.
- 2) If the correspondence requires an action or has an assignment, the sending TEAM member will assign a hierarchy of importance. IE:
 - a) Level I will mean the action must be responded to within 1 hour.
 - b)Level II will mean the action must be responded to within 24 hours.
 - c) Level III will man the action must be responded to within 1 week.
- 3) Avoiding texting beyond simple generic communications like, " call me" or " see you soon".
- 4) The TEAM member sending a correspondence will write or verbalize "Levels I,II, or III" into the subject line of their email, or text, or state it in their voicemail.

5) The TEAM ,member who will be unavailable or on vacation will communicate such events to the TEAM ahead of time, and will be exempt form the response expectations.

If any TEAM member has questions, requires clarifications, or has solution oriented recommendations to improve upon this "WISH" list, please email me directly without replying ALL, or call me at 702.591.6181.

As always, I remain your humble leader and wish you all the kindest regards,
Jason Jaeger, DC

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **Action item.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION: The Chiropractic Physicians Board requested an attorney general's opinion with respect to chiropractic physicians who are not licensed in the state rendering opinions, treating or interpreting Nevada residents.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued



AARON D. FORD
Attorney General

CAROLINE BATEMAN
First Assistant Attorney General

CHRISTINE JONES BRADY
Second Assistant Attorney General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

100 North Carson Street
Carson City, Nevada 89701

March 26, 2019

JESSICA L. ADAIR
Chief of Staff

RACHEL J. ANDERSON
General Counsel

HEIDI PARRY STERN
Solicitor General

CHIROPRACTIC PHYSICIANS'
BOARD OF NEVADA

APR 01 2019

RECEIVED
RENO, NEVADA 89502

OPINION NO. 2018-03

BOARDS AND COMMISSIONS:
LICENSING; OUT-OF-STATE MEDICAL
PRACTITIONERS:

Out-of-state medical practitioners who specialize in "chiropractic radiology" must be licensed or certified in the state of Nevada when diagnosing or assisting with the diagnosis of patients who are physically located in Nevada.

Jason O. Jaeger, DC, Board President
Chiropractic Physicians' Board of Nevada
4600 Kietzke Lane, M-245
Reno, Nevada 89502

Dear Dr. Jaeger:

You requested a formal opinion from the Office of the Attorney General, on behalf of the Chiropractic Physicians' Board of Nevada (Board), concerning the following:

QUESTION PRESENTED

Must an out-of-state chiropractic radiologist obtain a Nevada license or certificate to interpret and provide written diagnostic imaging reports for a Nevada-licensed chiropractic physician who treats patients while they are physically located in Nevada?

SHORT ANSWER

Yes, although the analysis depends upon whether a chiropractic radiologist qualifies as a chiropractic physician or a chiropractor's assistant. The term "chiropractic radiologist" is not defined under Nevada law. However, the activities of chiropractic physicians and chiropractor's assistants are regulated by the Board. And regardless how such activities are characterized, a chiropractic radiologist's activities fall within the scope of the Board's regulatory authority. Therefore, an out-of-state medical practitioner who provides chiropractic radiology services must be licensed or certified by the Board when diagnosing or assisting with the diagnosis of a Nevada-based patient.

ANALYSIS

The Nevada Legislature declared the practice of chiropractic a profession subject to protection by the State. NRS 634.019. In doing so, it empowered the Board to "adopt reasonable regulations . . . to enable it to carry out its duties under [NRS Chapter 634]." NRS 634.030(2). The Board is authorized to adopt licensing and certification requirements, and to discipline persons for violating the professional standards outlined in NRS Chapter 634 and the regulations promulgated thereunder. Although current statutes and regulations do not define "chiropractic radiologist," the Board is legally obligated to license or certify any person who diagnoses or assists with the diagnosis of chiropractic patients who are located in Nevada.¹

While "chiropractic physician" is not defined, the term "chiropractic" means "the science, art and practice of palpating and adjusting the articulations of the human body by hand . . . and all methods of diagnosis." NRS 634.013 (emphasis added). Further, "diagnosis" is defined as "[t]he

¹ Your letter references NRS 629.515 and "telehealth," or the delivery of services from a provider of health care at a distant site to a patient using audio-visual communication technology. NRS 629.515(4)(c). A "provider of health care" must be licensed or certified in Nevada to diagnose, care, and treat patients through telehealth. NRS 629.515(1). Since "provider of health care" includes chiropractors, *see* NRS 629.031(1)(r), the telehealth provisions of Nevada law do not permit chiropractors to provide any services or treatments that would not otherwise be authorized by the provisions of NRS Chapter 634.

determination of a medical condition (such as a disease) by physical examination or by study of its symptoms” as well as the results of such a study. Diagnosis, BLACK’S LAW DICTIONARY (10th ed. 2014). “Practice” means the engagement in a profession. Practice, WEBSTER’S DICTIONARY (3d. ed. 1995). Licensees must maintain competency, which includes proficiency in the “production and interpretation of radiographs.”² NAC 634.412(1)(b). The Board determines competency by examining whether a licensee documents interpretations in writing and maintains them as part of a patient’s written record. NAC 634.412(2)(d). For licensing requirements, all applicants must pass an exam that includes the interpretation of X-rays. NRS 634.070(2)(b). The Board’s current application form states that Nevada has no reciprocity. For unlicensed activities, a person practicing chiropractic without a license is guilty of a category D felony, and a violation of any other provision is a misdemeanor offense. NRS 634.227(2)(a); NRS 634.230. The Board may discipline a licensee for unprofessional conduct, which includes employing any person, directly or indirectly, as a chiropractor’s assistant. NRS 634.018(15); NRS 634.140(1).

As it relates to the Board’s authority over a “chiropractor’s assistant,” this term means a person who holds a certificate and is dedicated to assisting in all permissible aspects of chiropractic practice under the direct supervision and responsibility of a chiropractic physician. NRS 634.125. The Board’s certification authorizes a chiropractor’s assistant to perform ancillary services. NAC 634.112. “Ancillary services” means services related to chiropractic practice that the assistant can perform under the certificate, including developing radiographs and educating a patient about his or her health. NRS 634.125; NAC 634.112; NAC 634.348(1)–(2). A chiropractor’s assistant may not engage in prohibited acts, such as diagnosing a patient. NAC 634.460(1). For certification requirements, applicants must pass exams that test radiographic technology. NAC 634.305(2)(a). For uncertified activities, a person may be disciplined for conduct “detrimental to the best interests of the public,” which involves unlawfully disclosing a patient’s information and receiving commissions for referrals. NRS 634.018(10); NAC 634.3475(1). Uncertified practitioners face the same penalties described above. NRS 634.227(2)–(3); NRS 634.230.

With respect to “chiropractic radiologists,” the American Chiropractic Board of Radiology (ACBR) describes them as consultants for referring

² A “licensee” means a chiropractic physician who is licensed by the Board pursuant to NRS chapter 634. NAC 634.121.

physicians who recommend, supervise, and interpret radiological studies and imaging procedures. See AM. CHIROPRACTIC BD. RADIOLOGY, DEFINITION OF A CHIROPRACTIC RADIOLOGIST (2014). Chiropractic radiologists advise physicians on the need for radiologic services and whether to avoid certain diagnostic procedures. See Peter Hildebrandt, What Is Chiropractic Radiology?, RADIOLOGY TODAY, Aug. 2010, at 20. The ACBR certifies chiropractic radiologists who pass an exam and undergo post-graduate training.³ See *id.*

In your request for an opinion, you have described how an out-of-state chiropractic radiologist reviews images, renders a written report that contains diagnostic conclusions, and returns it to the referring chiropractic physician in Nevada. Your description of the out-of-state practitioner's activities implicates the Board's authority over "chiropractor's assistants" and the practice of chiropractic generally.⁴

The description implicates the practice of chiropractic because the out-of-state practitioner appears to engage in diagnosis by studying radiographic images and preparing a written report for use in Nevada. The written report is presumably used by the Nevada-based chiropractor as a basis for his or her plan of treatment. One could perhaps argue that these activities do not amount to diagnosis by the out-of-state practitioner if the referring physician plays a superseding role in formulating a final plan of treatment based upon his or her own independent judgment. Even so, the out-of-state practitioner's activities

³ Other jurisdictions define "chiropractic radiology" as a specialized practice area and model the qualifications after the ACBR requirements. See 21 N.C. ADMIN. CODE 10.0304(d) (2018); OHIO ADMIN. CODE 3701-83-51(B) (2018).

⁴ As interpreted by the federal courts, the Commerce Clause of the U.S. Constitution prohibits a state agency from imposing regulatory measures that discriminate against, or unduly burden interstate commerce. See *Wyoming v. Oklahoma*, 502 U.S. 437, 454, 112 S.Ct. 789, 800, 117 L.Ed.2d 1 (1992). However, when professional services are rendered by an out-of-state provider to a person who is physically located within the state, the state agency in question will generally have the authority to regulate the out-of-state provider according to the same terms and conditions as are applied to in-state providers. See *e.g. Birbrower, Montalbano, Condon & Frank, P.C. v. Superior Court*, 949 P.2d 1, 5–6 (Cal. 1998) (linking unauthorized practice of law to advising client by "telephone, fax, computer, or other modern technological means.").


implicate the definition of "chiropractor's assistant" because the out-of-state practitioner engages in ancillary services by assisting the referring chiropractic physician with the production and interpretation of the patient's images. Regardless of how these activities are characterized, the Board has an obligation under NRS Chapter 634 and the Board's existing regulations to license, certify and/or regulate the activities in some manner.

CONCLUSION

Since Nevada has no reciprocity with other states, an out-of-state chiropractic radiologist must be licensed or certified by the Board to diagnose or assist with the diagnosis of a Nevada patient. Under the Board's current regulations, this will be true even if the out-of-state practitioner works under the supervision of a Nevada-licensed chiropractic physician. Since the Board has the power to adopt and/or amend regulations interpreting and implementing the provisions of NRS Chapter 634, it has the ability to streamline, clarify and/or simplify the licensure or certification process as it relates to the performance of chiropractic radiology by out-of-state practitioners.⁵

Sincerely,

AARON D. FORD
Attorney General

By: 
Patty Walsh
Deputy Attorney General

PW/klr

⁵ This is not to be confused with the power to recognize "reciprocity" with other states. To recognize reciprocity would be to eliminate most if not all Nevada-specific licensure or certification requirements for practitioners licensed in other states. While California permits reciprocity, Washington prohibits it but makes exceptions for those with "substantially equivalent" qualifications who pass an exam. See WASH. REV. CODE § 18.25.040 (2018); WASH. ADMIN. CODE § 246-808-135 (2018). Adoption of the California model would require a statutory amendment, while adoption of some version of the Washington model could likely be implemented through the rule-making process described in NRS Chapter 233B.

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **No recommendation**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION: **This question was received from a licensed chiropractic physician. How does the Board read NAC 634.3475(1)? i.e. defaulting on student loans, taxes, etc.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 22

Chiropractor's Assistants

NAC 634.3475 “Detrimental to the best interests of the public” interpreted. ([NRS 634.030](#))

1. As used in subsection 10 of [NRS 634.018](#), the Board will interpret the phrase “detrimental to the best interests of the public” as applied to a chiropractor’s assistant to include, without limitation:

- (a) Unlawful disclosure of information about a patient.
- (b) Willful or careless disregard for the health, welfare or safety of patients, regardless of whether proof of actual injury is established.
- (c) Engaging in any conduct or verbal behavior that is inappropriately sexual with or towards a current patient.
- (d) Engaging in any conduct or verbal behavior that is sexually or racially demeaning or offensive with or towards a current patient.
- (e) Engaging in or soliciting sexual misconduct.
- (f) Engaging with a patient in a romantic or dating relationship unless the patient is the spouse of the chiropractor’s assistant.
- (g) Use of protected or privileged information obtained from a patient to the detriment of the patient.
- (h) Performing services which the chiropractor’s assistant is not authorized to perform under the terms of a certificate issued by the Board as provided by [NRS 634.125](#).
- (i) Billing or charging a patient for the services of the chiropractor’s assistant.
- (j) Intentionally causing physical or emotional injury to a patient.
- (k) Aiding, abetting or assisting any person in violating any provision of this chapter or [chapter 634](#) of NRS.
- (l)
- (m) Obtaining any certificate through fraud, misrepresentation or deceit.
- (n) Impersonating an applicant or acting as a proxy for the applicant in any examination.
- (o) Disclosing the contents of an examination given by the Board or soliciting, accepting or compiling information regarding the contents of an examination before, during or after the administration of an examination given by the Board.
- (p) Failing to provide the Board or its agents with any documents lawfully requested by the Board, whether by subpoena or otherwise.
- (q) Failing to cooperate fully with the Board during the course of an investigation.
- (r) Claiming or making representations of the attainment of any academic degree or award not actually received.
- (s) Disobeying an order of the Board.
- (t) Splitting fees or giving or receiving a commission in the referral of patients for services.
- (u) The suspension or revocation of a license or certificate or other disciplinary action taken by another state against the chiropractor’s assistant based on a license or certificate issued by that state for an act that would constitute grounds for disciplinary action in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against the chiropractor’s assistant based on a license or certificate issued by that state is conclusive evidence of that action.
- (v) Performing a task for which the chiropractor’s assistant has not been trained or which the chiropractor’s assistant is not clinically competent to perform.

2. A supervising licensee is responsible for all of the acts performed by a chiropractor's assistant whom he or she supervises. A supervising licensee may be subject to disciplinary action for any violations of law or regulation committed by his or her chiropractor's assistant.

3. A supervising licensee shall notify the Board in writing of any dismissal of a chiropractor's assistant for cause within 10 days after the dismissal.

4. A patient's consent to, initiation of or participation in sexual behavior or involvement in a romantic or dating relationship with a chiropractor's assistant does not excuse the conduct of the chiropractor's assistant.

5. As used in this section:

(a) "Sexual misconduct" means:

(1) Sexual relations between a chiropractor's assistant and a patient, regardless of whether the patient initiated or consented to those sexual relations.

(2) Conduct by a chiropractor's assistant, in regard to a patient, that is sexual in nature, sexually suggestive or sexually demeaning to the patient.

(3) The commission by a chiropractor's assistant of one or more of the offenses defined in [NRS 200.368](#), [200.730](#), [201.210](#) and [201.220](#).

(4) The use by a chiropractor's assistant of deception, misrepresentation or force for the purpose of engaging in sexual conduct with a patient in:

(I) A clinical setting; or

(II) A setting that is used ordinarily for the provision of chiropractic services.

↪ The term does not include sexual conduct or sexual relations that take place between a chiropractor's assistant and his or her spouse or between a chiropractor's assistant and a person who was a patient after the chiropractor's assistant-patient relationship has been terminated for a reasonable time.

(b) "Sexual relations" means:

(1) Sexual intercourse.

(2) Any touching of sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the chiropractor's assistant for the purpose of arousing or gratifying the sexual desire of either the chiropractor's assistant or the patient.

(Added to NAC by Chiropractic Physicians' Bd. by R150-13, eff. 3-28-2014)

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 23** — Discussion and potential action regarding the continuation of existing contracts - For possible action.

RECOMMENDED MOTION: **No recommendation.**

PRESENTED BY: **Julie Strandberg, Executive Director**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

A. Louis Ling, Board Counsel

No change in cost from the previous contract. \$150.00 per hour

B. The Advantage Group, Investigator

No change in cost from the previous contract. \$65.00 per hour

C. Strategies 360, Government Affairs, Lobbyist

Requesting an increase of \$6,074.00 from the previous contract.

D. Freya Oberer-Brown, Accountant

No change in cost from the previous contract. \$500.00 per month.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Louis Ling, Board Counsel Contract

No change in cost from the previous contract. \$150.00 per hour

AMENDMENT #1 TO CONTRACT

Between the State of Nevada Acting By and Through Its

Chiropractic Physicians' Board of Nevada
Building M, Suite 245
4600 Kietzke Lane
Reno, Nevada 89502
T: (775) 688-1921 F: (775) 688-1920
E: jstrandberg@chirobd.nv.gov

And

Louis Ling
933 Gear Street
Reno, Nevada 89503
T: (775) 233-9099 F: (775) 624-5086
E: louisling@me.com

1. AMENDMENTS. For and inconsideration of mutual promises and/or their valuable consideration, all provisions of the original contract hereto as Exhibit A remain in full force and effect with the exception of the following:

Current Contract Language:

3. CONTRACT TERM. This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be August 8, 2017).

Effective from: September 1, 2017 To: August 31, 2019

6. CONSIDERATION. The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$150.00 per hour
Total Contract Not to Exceed \$48,000.00

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

Amended Contract Language Per This Amendment #1

3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be August 8, 2017).

Effective from: September 1, 2017 To: August 31, **2022**

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$150.00 per hour
Total Contract Not to Exceed **\$175,000**

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

2. **INCORPORATED DOCUMENTS.** Exhibit A (Original Contract) is attached hereto, incorporated by reference herein and made a part of this amended contract.

3. **REQUIRED APPROVAL.** This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the original contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature Date

Independent Contractor's Title

Signature Date

Executive Director

Signature Date

Title

Signature – Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On _____

Approved as to form by:

Deputy Attorney General for Attorney General

On _____

The Advantage Group, Investigator Contract

No change in cost from the previous contract. \$65.00 per hour

AMENDMENT #1 TO CONTRACT

Between the State of Nevada Acting By and Through Its

Chiropractic Physicians' Board of Nevada
Building M, Suite 245
4600 Kietzke Lane
Reno, Nevada 89502
T: (775) 688-1921 F: (775) 688-1920
E: jstrandberg@chirobd.nv.gov

And

The Advantage Group
475 Hill Street, Suite B
Reno, Nevada 89501
T: (775) 829-1777 F: (775) 829-1779
E: tprins@tagnv.com

1. AMENDMENTS. For and inconsideration of mutual promises and/or their valuable consideration, all provisions of the original contract hereto as Exhibit A remain in full force and effect with the exception of the following:

Current Contract Language:

3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be Upon Approval).

Effective from: June 11, 2018 To: June 30, 2019

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$65.00 per hour
Total Contract Not to Exceed \$20,000.00

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

Amended Contract Language Per This Amendment #1

3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be August 8, 2017).

Effective from: June 11, 2018 To: June 30, **2020**

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$65.00 per hour
Total Contract Not to Exceed **\$40,000**

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

2. **INCORPORATED DOCUMENTS.** Exhibit A (Original Contract) is attached hereto, incorporated by reference herein and made a part of this amended contract.

3. **REQUIRED APPROVAL.** This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the original contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature Date

Independent Contractor's Title

Signature Date

Executive Director

Signature Date

Title

Signature – Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On _____

Approved as to form by:

Deputy Attorney General for Attorney General

On _____

Strategies 360, Inc. Government Affairs, Lobbyist Contract

Requesting an increase of \$6,074.00 from the previous contract.

	Original Contract	Proposed Contract
Off-Season July 2019-January 2021	\$1,663/month	\$2,000/month
Legislative Season February 2021-June 2021	\$4,162/month	\$4,500/month
Total Contract	\$54,426	\$60,500

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CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR
A Contract Between the State of Nevada
Acting by and Through its

Agency Name:	Chiropractic Physicians' Board of Nevada
Address:	4600 Kietzke Lane, Building M, Suite 245
City, State, Zip Code:	Reno, Nevada 89502
Contact:	Julie Strandberg, Executive Director
Phone:	775-688-1923
Fax:	775-688-1920
Email:	chirobd@chirobd.nv.gov

Contractor Name:	Strategies 360, Inc.
Address:	10801 W. Charleston Blvd., Suite 420
City, State, Zip Code:	Las Vegas, NV 89135
Contact:	Dan Musgrove
Phone:	702-860-9900
Fax:	
Email:	dmusgrove@strategies360.com

WHEREAS, NRS 333.700 authorizes officers, departments, institutions, boards, commissions, and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part to engage, subject to the approval of the Board of Examiners (BOE), services of persons as independent contractors; and

WHEREAS, it is deemed that the service of Contractor is both necessary and in the best interests of the State of Nevada.

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **REQUIRED APPROVAL.** This Contract shall not become effective until and unless approved by the Nevada State Board of Examiners.
2. **DEFINITIONS.**
 - A. "State" – means the State of Nevada and any State agency identified herein, its officers, employees and immune contractors as defined in NRS 41.0307.
 - B. "Contracting Agency" – means the State agency identified above.
 - C. "Contractor" – means the person or entity identified above that performs services and/or provides goods for the State under the terms and conditions set forth in this Contract.
 - D. "Fiscal Year" – means the period beginning July 1st and ending June 30th of the following year.
 - E. "Contract" – Unless the context otherwise requires, "Contract" means this document entitled Contract for Services of Independent Contractor and all Attachments or Incorporated Documents.
 - F. "Contract for Independent Contractor" – means this document entitled Contract for Services of Independent Contractor exclusive of any Attachments or Incorporated Documents.

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3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified in *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be Date

July 1, 2019

).

Effective from:	Date July 1, 2019	Through:	Date June 30, 2021
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4. **NOTICE.** All communications, including notices, required or permitted to be given under this Contract shall be in writing and directed to the parties at the addresses stated above. Notices may be given: (i) by delivery in person; (ii) by a nationally recognized next day courier service, return receipt requested; or (iii) by certified mail, return receipt requested. If specifically requested by the party to be notified, valid notice may be given by facsimile transmission or electronic mail to the address(es) such party has specified in writing.
5. **INCORPORATED DOCUMENTS.** The parties agree that this Contract, inclusive of the following attachments, specifically describes the scope of work. This Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT AA:	N/A Exempt NAC 333 [REDACTED]
ATTACHMENT BB:	INSURANCE SCHEDULE
ATTACHMENT CC:	CONTRACTOR'S RESPONSE

Any provision, term or condition of an Attachment that contradicts the terms of this Contract for Independent Contractor, or that would change the obligations of the State under this Contract for Independent Contractor, shall be void and unenforceable.

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$2,000 from July 1, 2019 through January 31, 2021 and \$4,500 from February 1, 2021 through June 30, 2021	per	Month
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Total Contract or installments payable at:	
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Total Contract Not to Exceed:	\$60,500.00
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The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the result of legislative appropriation may require.

7. **ASSENT.** The parties agree that the terms and conditions listed on incorporated attachments of this Contract are also specifically a part of this Contract and are limited only by their respective order of precedence and any limitations specified.
8. **BILLING SUBMISSION: TIMELINESS.** The parties agree that timeliness of billing is of the essence to the Contract and recognize that the State is on a Fiscal Year. All billings for dates of service prior to July 1 must be submitted to the state no later than the first Friday in August of the same calendar year. A billing submitted after the first Friday in August, which forces the State to process the billing as a stale claim pursuant to NRS 353.097, will subject Contractor to an administrative fee not to exceed one hundred dollars (\$100.00). The parties hereby agree this is a reasonable estimate of the additional costs to the state of processing the billing as a stale claim and that this amount will be deducted from the stale claim payment due to Contractor.

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9. **INSPECTION & AUDIT.**

- A. Books and Records. Contractor agrees to keep and maintain under generally accepted accounting principles (GAAP) full, true and complete records, contracts, books, and documents as are necessary to fully disclose to the State or United States Government, or their authorized representatives, upon audits or reviews, sufficient information to determine compliance with all State and federal regulations and statutes.
- B. Inspection & Audit. Contractor agrees that the relevant books, records (written, electronic, computer related or otherwise), including, without limitation, relevant accounting procedures and practices of Contractor or its subcontractors, financial statements and supporting documentation, and documentation related to the work product shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location of Contractor where such records may be found, with or without notice by the State Auditor, the relevant State agency or its contracted examiners, the department of Administration, Budget Division, the Nevada State Attorney General's Office or its Fraud Control Units, the state Legislative Auditor, and with regard to any federal funding, the relevant federal agency, the Comptroller General, the General Accounting Office, the Office of the Inspector General, or any of their authorized representatives. All subcontracts shall reflect requirements of this Section.
- C. Period of Retention. All books, records, reports, and statements relevant to this Contract must be retained a minimum three (3) years, and for five (5) years if any federal funds are used pursuant to the Contract. The retention period runs from the date of payment for the relevant goods or services by the state, or from the date of termination of the Contract, whichever is later. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

10. **CONTRACT TERMINATION.**

- A. Termination Without Cause. Regardless of any terms to the contrary, this Contract may be terminated upon written notice by mutual consent of both parties. The State unilaterally may terminate this contract without cause by giving not less than thirty (30) days' notice in the manner specified in *Section 4, Notice*. If this Contract is unilaterally terminated by the State, Contractor shall use its best efforts to minimize cost to the State and Contractor will not be paid for any cost that Contractor could have avoided.
- B. State Termination for Non-Appropriation. The continuation of this Contract beyond the current biennium is subject to and contingent upon sufficient funds being appropriated, budgeted, and otherwise made available by the State Legislature and/or federal sources. The State may terminate this Contract, and Contractor waives any and all claims(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
- C. Termination with Cause for Breach. A breach may be declared with or without termination. A notice of breach and termination shall specify the date of termination of the Contract, which shall not be sooner than the expiration of the Time to Correct, if applicable, allowed under subsection 10D. This Contract may be terminated by either party upon written notice of breach to the other party on the following grounds:
 - 1) If Contractor fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Contract within the time requirements specified in this Contract or within any granted extension of those time requirements; or
 - 2) If any state, county, city, or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
 - 3) If Contractor becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the Bankruptcy Court; or
 - 4) If the State materially breaches any material duty under this Contract and any such breach impairs Contractor's ability to perform; or

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- 5) If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Contractor, or any agent or representative of Contractor, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or
- 6) If it is found by the State that Contractor has failed to disclose any material conflict of interest relative to the performance of this Contract.

D. Time to Correct. Unless the breach is not curable, or unless circumstances do not permit an opportunity to cure, termination upon declared breach may be exercised only after service of formal written notice as specified in *Section 4, Notice*, and the subsequent failure of the breaching party within fifteen (15) calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared breach has been corrected. Upon a notice of breach, the time to correct and the time for termination of the contract upon breach under subsection 10C, above, shall run concurrently, unless the notice expressly states otherwise.

E. Winding Up Affairs Upon Termination. In the event of termination of this Contract for any reason, the parties agree that the provisions of this Section survive termination:

- 1) The parties shall account for and properly present to each other all claims for fees and expenses and pay those which are undisputed and otherwise not subject to set off under this Contract. Neither party may withhold performance of winding up provisions solely based on nonpayment of fees or expenses accrued up to the time of termination;
- 2) Contractor shall satisfactorily complete work in progress at the agreed rate (or a pro rata basis if necessary) if so requested by the Contracting Agency;
- 3) Contractor shall execute any documents and take any actions necessary to effectuate an assignment of this Contract if so requested by the Contracting Agency;
- 4) Contractor shall preserve, protect and promptly deliver into State possession all proprietary information in accordance with *Section 21, State Ownership of Proprietary Information*.

11. **REMEDIES.** Except as otherwise provided for by law or this Contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. For purposes of an award of attorneys' fees to either party, the parties stipulate and agree that a reasonable hourly rate of attorneys' fees shall be one hundred and fifty dollars (\$150.00) per hour. The State may set off consideration against any unpaid obligation of Contractor to any State agency in accordance with NRS 353C.190. In the event that Contractor voluntarily or involuntarily becomes subject to the jurisdiction of the Bankruptcy Court, the State may set off consideration against any unpaid obligation of Contractor to the State or its agencies, to the extent allowed by bankruptcy law, without regard to whether the procedures of NRS 353C.190 have been utilized.

12. **LIMITED LIABILITY.** The State will not waive and intends to assert available NRS Chapter 41 liability limitations in all cases. Contract liability of both parties shall not be subject to punitive damages. Damages for any State breach shall never exceed the amount of funds appropriated for payment under this Contract, but not yet paid to Contractor, for the Fiscal Year budget in existence at the time of the breach. Contractor's tort liability shall not be limited.

13. **FORCE MAJEURE.** Neither party shall be deemed to be in violation of this Contract if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Contract after the intervening cause ceases.

14. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions,

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damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify the State shall apply in all cases except for claims arising solely from the State's own negligence or willful misconduct. Contractor waives any rights of subrogation against the State. Contractor's duty to defend begins when the State requests defense of any claim arising from this Contract.

15. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that the State of Nevada will not incur any employment liability by reason of this Contract or the work to be performed under this Contract. To the extent the State incurs any employment liability for the work under this Contract; Contractor will reimburse the State for that liability.
16. **INSURANCE SCHEDULE.** Unless expressly waived in writing by the State, Contractor must carry policies of insurance and pay all taxes and fees incident hereunto. Policies shall meet the terms and conditions as specified within this Contract along with the additional limits and provisions as described in *Attachment BB*, incorporated hereto by attachment. The State shall have no liability except as specifically provided in the Contract.

Contractor shall not commence work before Contractor has provided the required evidence of insurance to the Contracting Agency. The State's approval of any changes to insurance coverage during the course of performance shall constitute an ongoing condition subsequent to this Contract. Any failure of the State to timely approve shall not constitute a waiver of the condition.

- A. Insurance Coverage. Contractor shall, at Contractor's sole expense, procure, maintain and keep in force for the duration of the Contract insurance conforming to the minimum limits as specified in *Attachment BB*, incorporated hereto by attachment. Unless specifically stated herein or otherwise agreed to by the State, the required insurance shall be in effect prior to the commencement of work by Contractor and shall continue in force as appropriate until:
- 1) Final acceptance by the State of the completion of this Contract; or
 - 2) Such time as the insurance is no longer required by the State under the terms of this Contract; whichever occurs later.

Any insurance or self-insurance available to the State shall be in excess of and non-contributing with, any insurance required from Contractor. Contractor's insurance policies shall apply on a primary basis. Until such time as the insurance is no longer required by the State, Contractor shall provide the State with renewal or replacement evidence of insurance no less than thirty (30) days before the expiration or replacement of the required insurance. If at any time during the period when insurance is required by the Contract, an insurer or surety shall fail to comply with the requirements of this Contract, as soon as Contractor has knowledge of any such failure, Contractor shall immediately notify the State and immediately replace such insurance or bond with an insurer meeting the requirements.

B. General Requirements.

- 1) Additional Insured: By endorsement to the general liability insurance policy, the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 shall be named as additional insureds for all liability arising from the Contract.
- 2) Waiver of Subrogation: Each insurance policy shall provide for a waiver of subrogation against the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 for losses arising from work/materials/equipment performed or provided by or on behalf of Contractor.
- 3) Cross Liability: All required liability policies shall provide cross-liability coverage as would be achieved under the standard ISO separation of insureds clause.
- 4) Deductibles and Self-Insured Retentions: Insurance maintained by Contractor shall apply on a first dollar basis without application of a deductible or self-insured retention unless otherwise specifically agreed to by the State. Such approval shall not relieve Contractor from the obligation to pay any deductible or self-insured retention.

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Any deductible or self-insured retention shall not exceed fifty thousand dollars (\$50,000.00) per occurrence, unless otherwise approved by the Risk Management Division.

- 5) Policy Cancellation: Except for ten (10) days notice for non-payment of premiums, each insurance policy shall be endorsed to state that without thirty (30) days prior written notice to the State of Nevada, c/o Contracting Agency, the policy shall not be canceled, non-renewed or coverage and/or limits reduced or materially altered, and shall provide that notices required by this Section shall be sent by certified mail to the address shown on page one (1) of this contract.
- 6) Approved Insurer: Each insurance policy shall be:
 - a) Issued by insurance companies authorized to do business in the State of Nevada or eligible surplus lines insurers acceptable to the State and having agents in Nevada upon whom service of process may be made; and
 - b) Currently rated by A.M. Best as "A-VII" or better.

C. Evidence of Insurance.

Prior to the start of any work, Contractor must provide the following documents to the contracting State agency:

- 1) Certificate of Insurance: The Acord 25 Certificate of Insurance form or a form substantially similar must be submitted to the State to evidence the insurance policies and coverages required of Contractor. The certificate must name the State of Nevada, its officers, employees and immune contractors as defined in NRS 41.0307 as the certificate holder. The certificate should be signed by a person authorized by the insurer to bind coverage on its behalf. The State project/Contract number; description and Contract effective dates shall be noted on the certificate, and upon renewal of the policies listed, Contractor shall furnish the State with replacement certificates as described within *Section 16A, Insurance Coverage*.

Mail all required insurance documents to the State Contracting Agency identified on Page one of the Contract.

- 2) Additional Insured Endorsement: An Additional Insured Endorsement (CG 20 10 11 85 or CG 20 26 11 85), signed by an authorized insurance company representative, must be submitted to the State to evidence the endorsement of the State as an additional insured per *Section 16B, General Requirements*.
- 3) Schedule of Underlying Insurance Policies: If Umbrella or Excess policy is evidenced to comply with minimum limits, a copy of the underlying Schedule from the Umbrella or Excess insurance policy may be required.
- 4) Review and Approval: Documents specified above must be submitted for review and approval by the State prior to the commencement of work by Contractor. Neither approval by the State nor failure to disapprove the insurance furnished by Contractor shall relieve Contractor of Contractor's full responsibility to provide the insurance required by this Contract. Compliance with the insurance requirements of this Contract shall not limit the liability of Contractor or its subcontractors, employees or agents to the State or others, and shall be in addition to and not in lieu of any other remedy available to the State under this Contract or otherwise. The State reserves the right to request and review a copy of any required insurance policy or endorsement to assure compliance with these requirements.

17. **COMPLIANCE WITH LEGAL OBLIGATIONS.** Contractor shall procure and maintain for the duration of this Contract any state, county, city or federal license, authorization, waiver, permit qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract. Contractor shall provide proof of its compliance upon request of the Contracting Agency. Contractor will be responsible to pay all taxes, assessments, fees, premiums, permits, and licenses required by law. Real property and personal property taxes are the responsibility of Contractor in accordance with NRS 361.157 and NRS 361.159. Contractor agrees to be responsible for payment of any such government obligations not paid by its subcontractors during performance of this Contract.

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18. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.
19. **SEVERABILITY.** If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
20. **ASSIGNMENT/DELEGATION.** To the extent that any assignment of any right under this Contract changes the duty of either party, increases the burden or risk involved, impairs the chances of obtaining the performance of this Contract, attempts to operate as a novation, or includes a waiver or abrogation of any defense to payment by State, such offending portion of the assignment shall be void, and shall be a breach of this Contract. Contractor shall neither assign, transfer nor delegate any rights, obligations nor duties under this Contract without the prior written consent of the State.
21. **STATE OWNERSHIP OF PROPRIETARY INFORMATION.** Any data or information provided by the State to Contractor and any documents or materials provided by the State to Contractor in the course of this Contract (“State Materials”) shall be and remain the exclusive property of the State and all such State Materials shall be delivered into State possession by Contractor upon completion, termination, or cancellation of this Contract.
22. **PUBLIC RECORDS.** Pursuant to NRS 239.010, information or documents received from Contractor may be open to public inspection and copying. The State has a legal obligation to disclose such information unless a particular record is made confidential by law or a common law balancing of interests. Contractor may label specific parts of an individual document as a “trade secret” or “confidential” in accordance with NRS 333.333, provided that Contractor thereby agrees to indemnify and defend the State for honoring such a designation. The failure to so label any document that is released by the State shall constitute a complete waiver of any and all claims for damages caused by any release of the records.
23. **CONFIDENTIALITY.** Contractor shall keep confidential all information, in whatever form, produced, prepared, observed or received by Contractor to the extent that such information is confidential by law or otherwise required by this Contract.
24. **FEDERAL FUNDING.** In the event federal funds are used for payment of all or part of this Contract, Contractor agrees to comply with all applicable federal laws, regulations and executive orders, including, without limitation the following:
 - A. Contractor certifies, by signing this Contract, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency. This certification is made pursuant to Executive Orders 12549 and 12689 and Federal Acquisition Regulation subpart 9.4, and any relevant program-specific regulations. This provision shall be required of every subcontractor receiving any payment in whole or in part from federal funds.
 - B. Contractor and its subcontracts shall comply with all terms, conditions, and requirements of the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder, including 28 C.F.R. Section 35, inclusive, and any relevant program-specific regulations.
 - C. Contractor and its subcontractors shall comply with the requirements of the Civil Rights Act of 1964 (P.L. 88-352), as amended, the Rehabilitation Act of 1973 (P.L. 93-112), as amended, and any relevant program-specific regulations, and shall not discriminate against any employee or offeror for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions.)
25. **LOBBYING.** The parties agree, whether expressly prohibited by federal law, or otherwise, that no funding associated with this Contract will be used for any purpose associated with or related to lobbying or influencing or attempting to lobby or influence for any purpose the following:
 - A. Any federal, state, county or local agency, legislature, commission, council or board;
 - B. Any federal, state, county or local legislator, commission member, council member, board member, or other elected official; or

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RFP#

C. Any officer or employee of any federal, state, county or local agency; legislature, commission, council or board.

26. **GENERAL WARRANTY.** Contractor warrants that all services, deliverables, and/or work products under this Contract shall be completed in a workmanlike manner consistent with standards in the trade, profession, or industry; shall conform to or exceed the specifications set forth in the incorporated attachments; and shall be fit for ordinary use, of good quality, with no material defects.
27. **PROPER AUTHORITY.** The parties hereto represent and warrant that the person executing this Contract on behalf of each party has full power and authority to enter into this Contract. Contractor acknowledges that as required by statute or regulation this Contract is effective only after approval by the State Board of Examiners and only for the period of time specified in the Contract. Any services performed by Contractor before this Contract is effective or after it ceases to be effective are performed at the sole risk of Contractor.
28. **DISCLOSURES REGARDING CURRENT OR FORMER STATE EMPLOYEES.** For the purpose of State compliance with NRS 333.705, Contractor represents and warrants that if Contractor, or any employee of Contractor who will be performing services under this Contract, is a current employee of the State or was employed by the State within the preceding 24 months, Contractor has disclosed the identity of such persons, and the services that each such person will perform, to the Contracting Agency.
29. **ASSIGNMENT OF ANTITRUST CLAIMS.** Contractor irrevocably assigns to the State any claim for relief or cause of action which Contractor now has or which may accrue to Contractor in the future by reason of any violation of State of Nevada or federal antitrust laws in connection with any goods or services provided under this Contract.
30. **GOVERNING LAW: JURISDICTION.** This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada, without giving effect to any principle of conflict-of-law that would require the application of the law of any other jurisdiction. The parties consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this Contract, and consent to personal jurisdiction in such court for any action or proceeding arising out of this Contract.

31. **ENTIRE CONTRACT AND MODIFICATION.** This Contract and its integrated attachment(s) constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no

CETS#
RFP#

modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by the Office of the Attorney General and the State Board of Examiners. This Contract, and any amendments, may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature	Date	Independent Contractor's Title

State of Nevada Authorized Signature	Date	Title

State of Nevada Authorized Signature	Date	Title

State of Nevada Authorized Signature	Date	Title

APPROVED BY BOARD OF EXAMINERS

Signature – Board of Examiners

On: _____
Date

Approved as to form by:

Deputy Attorney General for Attorney General		Date



CHIROPRACTIC PHYSICIANS BOARD OF NEVADA



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Project Overview

The Chiropractic Physicians Board of Nevada (CPBN) has asked for a proposal from Dan Musgrove and Strategies 360 for a consultant contract to work collaboratively with CPBN to represent them as their State Government Lobbyist for the 2021 session of the Nevada Legislature. The consultant will provide advice and provide assistance to the CPBN in the development of strategy so that the CPBN can achieve its legislative and policy priorities in an effective and efficient manner.

Project Goals

Our goals for this project are to:

- Conduct strategic planning sessions with key Board leadership to identify and prioritize key issues.
- Monitor all interim committees
- Identify any proposed legislation that would be of interest to the Board
- Continue the work with similar licensing boards and the Attorney General regarding Scope of Practice.
- Represent the Board at political events (if appropriate)
- Advocate positions to key elected and appointed officials within Nevada State Government.
- Provide government affairs-related analysis or research
- Collect and disseminate relevant intelligence
- Represent and position the Board with all relevant state officials and agencies who might serve as advocates for the interests of the Board as well as those that might be in contradiction of the goals of the Board and work to mitigate their influence or opposition.
- Provide continued advocacy, consultative and strategy support on behalf of the Board.



About Us

We are Strategies 360 and our calling is to drive lasting change. We shape business, politics, and culture in the spirit of the west, where innovation, an entrepreneurial spirit, and moving beyond the status quo have long been what it takes to make an impact and create a brighter future.

We are a full-service research, public affairs, and communications firm, bringing deep expertise, providing a full range of services, and promising sharp strategic thinking that gets results. By offering more services under one roof, we guarantee every client a seamless, tailored approach.

By working together across state offices, our teams have redefined the best practices of public policy, business, marketing and strategic communications. Our services include:

- Government Relations: State, Federal, and Local
- Communications: Reputation Management, Crisis Communications, Media Relations, and Public Relations
- Research: Message Development, Targeting and Segmentation, Campaign Polling, and Executive and Opinion Leader Research
- Public Affairs: Coalition Building, Initiatives & Campaigns; Bonds & Levies; Siting & Permitting
- Marketing & Advertising: Brand & Creative Strategy, Digital Marketing, Design & Copy, Web Engineering

Learn more about our work and teams at www.strategies360.com.



Scope of Work

In accordance with the standards and criteria of the Chiropractic Physicians Board of Nevada, Strategies 360 will assist the CPBN in furthering its legislative and policy agenda to ensure its core purpose that the practice of chiropractic is a learned profession having an effect on public safety and the welfare of the public. Specific responsibilities of the Legislative Consultant will include:


1. Development of Legislation and a strategy for passage: Provide assistance to the CPBN in the development of strategy so that the CPBN can achieve its legislative and policy priorities in an effective and efficient manner.

Strategies 360 will work with leadership in the development of strategy to achieve their legislative and policy priorities. We will participate in strategy sessions, assess and share the challenges and opportunities in front of us in the pursuit of any legislation, and will develop a plan for carrying them out. Developing a strategy includes assessing the makeup of the Legislature, legislative leadership, seniority of members, experience and leadership of respective chairman and staff, and the potential opposition and support from other parties, including lobbyists and state agency personnel.

2. State Legislator/Agency Meetings: At the request of the CPBN, meet with State officials and/or agencies concerning issues which may have an impact on the CPBN; attend any regulatory hearings on matters of interest to the CPBN.

Strategies 360 is committed to meeting the needs of the CPBN when it is necessary to navigate and manage issues. Our staff has more than 30 years of experience in Nevada state government, and we continue to maintain high-level access to the Office of the Governor, agency directors, deputy directors, and program managers. These relationships are essential to ensuring open communication and working toward positive resolution of issues. Relationship-building is an essential part of what we do for the CPBN, and we take every opportunity to make introductions when we are in settings that allow us to do so.

3. Bill Tracking: Bill tracking on a daily basis of bill draft requests and introduced legislation of specific interest to the CPBN, as identified by the Legislative Consultant in collaboration with the CPBN leadership, and provide timely reports on such legislation to the CPBN.



Performing bill tracking is an essential function during any legislative session. We track bills through electronic means and by having strong relationships with committee chairmen and staff. Our electronic tracking system allows us to track bills in real-time through the legislative process. We get immediate notification when a bill is introduced in either the Senate or the Assembly, when committee actions are reported to the respective Floor of the Legislature, when amendments are ready once they have been drafted by staff of the Legislative Counsel Bureau, and when bills are adopted. We also ensure chairmen and their staff are aware of bills of particular importance to the CPBN, and by doing so, we know when bills will be scheduled before agendas are published. These relationships also enable us to work on amendment language prior to a hearing, if necessary. This would be a collaborative effort with the CPBN leadership.

We also provide regular reports on bills we follow on behalf of the CPBN. We have different reporting periods depending on whether it is a general reporting of bills pending before the Legislature or reporting specifically on measures that have direct interest for the CPBN.

4. Legislative Alerts: As needed, provide email alerts over and above bill tracking reports to the CPBN on developments or trends during the legislative session. A protocol for managing this activity will be developed by the Legislative Consultant and approved by CPBN leadership.

Strategies 360 stands ready to work within the protocol that is established by the CPBN for email alerts on developments or trends during the legislative session. Acting in a timely fashion is a critical factor during the 120-day legislative session, and we welcome having real-time access and established protocols to ensure we can be responsive to questions from legislators, staff, and even other lobbyists as well as issues that come up.

6. Interim Session Activities: There may be interim committees, special task forces, caucuses, or other deliberative bodies which are considering legislative initiatives or policy issues that may lead to legislation, thus the Legislative Consultant may be requested to attend meetings of such bodies and report back to the CPBN on issues affecting their interests.

Strategies 360 will monitor meetings of the Interim Legislature, agency notices for proposed regulations and will attend these forums when there are issues that affect the CPBN. We build and maintain relationships with legislative leadership and legislators state-wide to ensure we are able to communicate effectively when needed.



Our Team



Dan Musgrove

VICE PRESIDENT, NEVADA



Dan Musgrove has over 30 years of experience in the fields of communications, labor relations, and government affairs advocacy, in both the private and public sector. He has successfully negotiated labor contracts, developed and executed communication strategies, and delivered on major legislative and government relations advocacy strategies at the city, county, state, and federal level.

Prior to S360, he founded his own government affairs practice, Dan Musgrove Advocacy, in 2010. Dan also served as Vice President of Government Affairs for a large Nevada-based law firm and was the chief legislative advocate for Clark County, Nevada; the University of Nevada, Las Vegas (UNLV); and a principal lobbyist for the City of Las Vegas. Throughout his career, Dan has represented the largest hospital system in Nevada, the City of North Las Vegas, the Nevada League of Cities and the Southern Nevada Health District. He also has experience with health insurance and property casualty insurance companies, commercial construction sub-contractors, and large national corporations.

As a native Nevadan, born in Reno and a resident of Las Vegas for over 45 years, Dan loves Nevada and works to make his community better. He was a Governor appointee to the State's Grants Management Advisory Committee and currently serves as the Chair of the Clark County Children's Mental Health Consortium and the Vice-Chair of the Statewide Consortium, both of which are focused on studying the mental health needs of Nevada's children and advocating for service delivery reform.

He has two children and is excited to now be a grandpa. He loves movies, mystery novels, and being near any body of water where he can swim, paddle, or hike nearby.



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John Oceguera

SENIOR VICE PRESIDENT, NEVADA



John runs our Nevada operations, overseeing a diverse mix of clients from corporations and nonprofits to campaigns and candidates. John formerly served as Speaker of the Nevada Assembly and was an elected representative in the Nevada Legislature for 12 years. He held a variety of leadership positions and chaired numerous committees, including Commerce and Labor, and Transportation. As Speaker of the Assembly in 2011, John worked with his colleagues in both houses and parties to ensure the state budget was balanced, while providing additional funding for education and other essential state services.

In addition to his legislative service, John had a 20-year career with the North Las Vegas Fire Department, working as firefighter, paramedic, engineer, captain, battalion chief and retiring as an assistant chief in 2011. As assistant chief, he developed and implemented a comprehensive emergency operations program and managed 220 personnel and a multi-million dollar budget.

John has also served on numerous boards and in many different leadership positions. He was named “Elected Official of the Year” by the American Heart Association and the National Association of Social Workers, Nevada Chapter. John received a “Top 40 Under 40” award from *In Business Las Vegas* and was named “Consumer Advocate of the Year” by the Nevada Trial Lawyers. John’s most cherished honor was having his name placed on the Distinguished Service Wall at the Nevada Firefighters Memorial, joining only 17 other firefighters who have been so honored. Since leaving office, John has built a successful consulting practice.

John has a bachelor’s degree in fire science from Cogswell Polytechnic College, and earned a master’s in public administration and a law degree from the University of Nevada, Las Vegas. A fourth generation Nevadan, John has a busy family life with three young children, and enjoys time in the great outdoors on his ATV.



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Marcus Conklin

VICE PRESIDENT, NEVADA



Marcus brings two decades of experience in policy development and business management to S360 clients. Elected to the Nevada Assembly for five terms, Marcus served as Assembly Majority Leader and chaired numerous committees, including Commerce and Labor, and a special committee on critical housing issues.

Marcus has extensive experience in the private sector. Previously, he was associate director of the Lied Institute for Real Estate Studies at the University of Nevada, Las Vegas, overseeing a \$4 million endowment, staffing and key programs in real estate education and research. He also expanded the client base for a construction company as a vice president in business development. As director of corporate marketing at Corestaff Services, Marcus increased market share and growth for the professional staffing services agency.

Outside of work, Marcus enjoys water polo, golf, travel, and wine. A 15-year resident of Las Vegas, Marcus has been very active in the community, most recently as a founding board member of the Economic Club of Las Vegas.

Marcus is a cum laude graduate of the University of Redlands with a B.A. in political science and economics. He has an M.A. in political science from Midwestern State University, and another M.A. in economics from the University of Nevada, Las Vegas.



William Horne, Esq.

VICE PRESIDENT



William Horne brings nearly 20 years of legal and legislative experience to S360.

William served 12 years in the Nevada Assembly and retired as the Majority Leader in 2014. During his legislative career William also served as Chairman of the Correction, Parole & Probation Committee, Judiciary Committee, Majority Whip, Chairman of the Advisory Commission on the Administration of Justice, Chairman of the Law and Criminal Justice Committee of the National Conference of State Legislatures (NCSL), and member of the Nevada Gaming Policy Committee and Nevada Homeland Security Commission.

During his first term, he was voted “Freshman of the Year” in 2003 and “Outstanding Legislator” in 2013. However, in his final term, William also became the first legislator in Nevada to pass a bill and have it signed into law by the Governor in a single day. This was the online gaming bill, and he accomplished this in record fashion, in a single day.

In addition to his legislative career, William is a licensed attorney in the State of Nevada and has practiced criminal defense, workers compensation defense, construction litigation, and family law. He remains involved with his alma mater as a UNLV Alumni Board member and is a previous member of the Boyd School of Law Alumni Board. Prior to joining Strategies 360, William was founder and principal of Horne-Duarte Government & Public Affairs, a lobbying firm with a various business, health, and marijuana clients.



Marla McDade Williams

DIRECTOR, NORTHERN NEVADA



Marla McDade Williams brings more than 25 years of government and policy experience to S360. She maintains a network of strong relationships across interest groups, carries a deep understanding of policy development and analysis, and has the ability to navigate complex levels of government bureaucracy.

Prior to S360, Ms. McDade Williams served as a Deputy Administrator in the Division of Public and Behavioral Health in Nevada's Department of Health and Human Services. Here, she was responsible for the interpretation and enforcement of statutes and regulations governing public health and safety in Nevada, and represented the division before the state legislature. Marla is viewed as a leading policy expert for medical marijuana, having shepherded the successful adoption of regulations governing medical marijuana establishments in Nevada, and has been called upon to provide guidance through the regulatory process for recreational marijuana as well.

Prior to serving as the Deputy, Ms. McDade Williams served as a Bureau Chief in the Division where she regulated health facilities. She also served 8 years on staff in the Nevada State Legislature. She was appointed by the Governor to serve on the Nevada Indian Commission, and is serving her first term in that role.

Ms. McDade Williams earned her bachelor's degree in political science from Washington State University, and served as intern and staff to then Washington State Sen. Patty Murray during that time. Ms. McDade Williams went on to receive a master's degree in public administration from the University of Nevada, Reno.



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EDITH GONZALEZ DUARTE

DIRECTOR, NEVADA



Edith brings 10 years of research and legislative experience to Strategies 360. As Nevada Director, she directly applies research, data, and evaluation tools to analyze policy.

In 2009, Edith gained her introduction to the legislative process as a legislative intern for Assembly Leadership. In 2011, she became a member of Perkins Company lobbying firm and in 2013, Edith worked for the State of Nevada Health Division. She founded Horne-Duarte Government and Public Affairs with William Horne in 2015. Together they represented a diverse clientele in Carson City. Additionally, since 2014, Edith has been teaching undergraduate Public Administration and Urban Studies courses at the University of Nevada, Las Vegas.

Edith received her Bachelor's degree from the University of Nevada, Reno and her Master's degree from the University of Nevada, Las Vegas. She is currently completing her Ph.D. in Public Affairs at the School of Public Policy and Leadership at the University of Nevada, Las Vegas.

Edith likes walking her two dogs, practicing yoga, traveling, and watching films.



COST PROPOSAL

—

Strategies 360 makes no representations or warranties with respect to the outcome or results of any lobbying or advocacy services provided hereunder. Strategies 360 shall use its very best efforts consistent with applicable laws, the direction it receives from the client, and customary industry practices and standards to achieve the desired outcome and results of its services, but makes no guarantees or promises with respect to any such results or outcomes.

Proposal Submitted by Dan Musgrove, Nevada Vice President / 702.860.9900
April 10, 2019

Accounting Solutions Contract

No change in cost from the previous contract. \$500.00 per month.

AMENDMENT #1 TO CONTRACT

**Between the State of Nevada
Acting By and Through Its**

Chiropractic Physicians' Board of Nevada
Building M, Suite 245
4600 Kietzke Lane
Reno, Nevada 89502
T: (775) 688-1921 F: (775) 688-1920
E: jstrandberg@chirobd.nv.gov

And

Accounting Solutions
204 N. Minnesota, Suite C
Carson City, Nevada 89701
T: (775) 841-7878 F: (775) 841-7878
E: Freya-oberer@asnv.com

1. AMENDMENTS. For and inconsideration of mutual promises and/or their valuable consideration, all provisions of the original contract hereto as Exhibit A remain in full force and effect with the exception of the following:

Current Contract Language:

3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be Upon Approval).

Effective from: January 22, 2018 To: June 30, 2019

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$500.00 per month
Total Contract Not to Exceed \$9,000.00

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

Amended Contract Language Per This Amendment #1

3. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified *Section 10, Contract Termination*. Contract is subject to Board of Examiners' approval (anticipated to be June 4, 2019).

Effective from: January 22, 2018 To: June 30, **2020**

6. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 5, Incorporated Documents* at a cost as noted below:

\$500.00 per month
Total Contract Not to Exceed **\$19,000.00**

The State does not agree to reimburse Contractor for expenses unless otherwise specified in the incorporated attachments. Any intervening end to a biennial appropriation period shall be deemed an automatic renewal (not changing the overall Contract term) or a termination as the results of legislative appropriation may require.

2. **INCORPORATED DOCUMENTS.** Exhibit A (Original Contract) is attached hereto, incorporated by reference herein and made a part of this amended contract.

3. **REQUIRED APPROVAL.** This amendment to the original contract shall not become effective until and unless approved by the Nevada State Board of Examiners.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the original contract to be signed and intend to be legally bound thereby.

Independent Contractor's Signature Date

Independent Contractor's Title

Signature Date

Executive Director

Signature Date

Title

Signature – Board of Examiners

APPROVED BY BOARD OF EXAMINERS

On _____

Approved as to form by:

Deputy Attorney General for Attorney General

On _____

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 24** – Annual board counsel evaluation - For possible action.

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 24

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 25** -- Discussion and potential action regarding the 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)

RECOMMENDED MOTION: **No recommendation.**

PREPARED BY: **Xavier Martinez, DC**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **10 minutes**

BACKGROUND INFORMATION: Attached is the Boards' employee evaluation policy, which indicates that pay adjustments will be made in accordance with state policy. Please see the attached memo from the Governor's Finance Office – Budget Division.

REVIEWED BY: X President X Secretary X Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

Employee Manual

108 EMPLOYEE EVALUATION/PAY ADJUSTMENT/BONUS PROGRAM

Staff evaluations will be conducted annually at the Board's last meeting of the fiscal year.

Pay adjustments will be made in accordance with state policy.

Bonuses may be awarded annually at the last meeting of the fiscal year, dependent on numerous factors including, but not limited to, the formal performance evaluation process following rating schedule below and dependent upon the Board's financial condition.

Executive Director Bonus – to be based on following performance scale, not to exceed \$2,000:

3.5 – 4	\$2,000
3-3.49	\$1,000
0-2.99	\$ -0-

Receptionist/Licensing Specialist Bonus – to be based on the following performance scale, not to exceed \$1,000:

3.5 – 4	\$1,000
3 – 3.49	\$ 500
0-2.99	\$ -0-

Brian Sandoval
Governor



James R. Wells, CPA
Director

Paul Nicks
Deputy Director

**STATE OF NEVADA
GOVERNOR'S FINANCE OFFICE
Budget Division**

209 E. Musser Street, Suite 200 | Carson City, NV 89701-4298
Phone: (775) 684-0222 | www.budget.nv.gov | Fax: (775) 684-0260

ALL AGENCY MEMO – 2017–14

October 20, 2017

To: All Agencies

From: James R. Wells, Director
Governor's Finance Office 

Subject: Fiscal Year 2018 and 2019 Salary Adjustment Funds

Assembly Bill 517, Section 3 authorized a 2% salary increase in Fiscal Year 2018 and an additional 2% increase in Fiscal Year 2019. Senate Bill 368, Section 1 authorized an additional 1% salary increase in both Fiscal Years 2018 and 2019. Combined, the two bills provide a 3% cost of living adjustment to State employees in Fiscal Year 2018 and another 3% in Fiscal Year 2019. Both bills appropriated General and Highway Funds to the Board of Examiners (BOE) to meet any deficiencies created between the appropriated money of the respective departments and the amount of money required to pay the higher salaries of the employees. The amounts available for agencies to request for each budget account are provided in a separate spreadsheet posted on our website. (<http://budget.nv.gov/>)

The authority for salary adjustment funds was not budgeted in individual budget accounts. Therefore, once BOE approves a request, a non-IFC work program must be processed to establish the authority before the transfer of cash can be made. Please use the following naming convention for work program number instead of allowing a default number: [FY SA budget account number]. For example, budget account 1234 would use work program number 18SA1234 in Fiscal Year 2018 and 19SA1234 in Fiscal Year 2019.

Transferring budget authority out of category 01 to another category negates eligibility for salary adjustment funds. Salary adjustment funds are also not available to cover other salary cost such as position reclassification, overtime, callback, shift differential, overpayments, terminal leave payouts or accelerated steps.

If salary adjustment funds are required, please submit the request along with:

- Salary projections which support the amount being requested;
- Projections for the balance of the fiscal year for all categories supported by General Funds and/or Highway Funds; and
- A position fund map.

All allocations from the BOE Salary Adjustment Account must be approved by the BOE and are only available for salaries funded by the General Fund and/or Highway Fund. Salaries funded with a funding type other than General Funds or Highway Fund, such as fees, Court Assessments or grants must cover the 3% salary increase in Fiscal Year 2018 and Fiscal Year 2019 for a total of 6% in Fiscal Year 2019 within their existing budget authority. A work program may be necessary to adjust various categorical authority to cover the increased salaries.

Agencies with grant funded positions should also monitor the grant's administrative cap, if applicable, to ensure the increase in salaries doesn't cause the agency to exceed the administrative cap. Please work with the federal granting office if the administrative cap will be exceeded and take the appropriate steps to ensure the State stays within the cap.

If you have any questions, please contact your assigned Executive Branch Budget Officer.

[http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Contact/Staff%20Agency%20Assignments\(3\).pdf](http://budget.nv.gov/uploadedFiles/budgetnvgov/content/Contact/Staff%20Agency%20Assignments(3).pdf)

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

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

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

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 27 FCLB/NBCE Matters – For possible action.**

A. Other FCLB/NBCE matters

RECOMMENDED MOTION: **No recommendation.**

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

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION:

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued

Agenda Item 27

Sent:

To:

Subject:

Dear NBCE District IV,

Tomorrow I head out to California to be at SCUHS (formerly LACC) for the NBCE Part II testing this weekend. This will be the second month for computer-based testing (CBT) for the NBCE.

On January 12-13, the National Board of Chiropractic Examiners (NBCE) administered Part I to 1,245 examinees at 18 chiropractic colleges. From all reports, both examinees and administrators were impressed with the transition from a pencil and paper exam to the computer-based format.

Examinees Appreciate New Format

The NBCE has reformatted Part I and II exams. Previously, Parts I and II consisted of six individual subject-based exams. Each newly formatted global exam has 300 questions. Students taking the exam appreciated the half-day format.

“I was relieved that the exam was shortened with built-in and on-demand breaks,” said one student. “I was able to stay locked-in and focused from start to finish.” Another student commented, “My neuropeptides were challenged, not exhausted.”

Partnering With Prometric in Shift to Computer-Based Exams

Several years ago, the NBCE saw the need to update its exam and move away from pencil and paper to a computer-based test. A few years ago, the initial launch was attempted without a testing company partner, and

there was failure of the computer tests. After exhaustive research, deliberation and some trial and error, the NBCE agreed to partner with Prometric, a global provider of computer-based testing and assessments.

Prometric has more than 22,000 employees, 300 clients and 100 million exams, including medical admissions and specialized licensing exams. The company delivers exams worldwide to professional, academic, government and corporate clients. It was clear that Prometric could deliver a secure exam.

“The NBCE saw the need to develop a high-quality computerized test, and our partnership with Prometric has more than delivered on the promise of long-term solutions,” said NBCE President Dr. Salvatore LaRusso. “This is the single largest accomplishment of the NBCE in decades.”

I appreciate any and all input from you in District IV regarding any questions or suggestions you have for our company and my representation of you. You can reach me via this email address or at 512-944-5677.

Best wishes,

Cynthia

District IV Director, National Board of Chiropractic Examiners

Sent:
Subject:

Dr. Carroll H. Winkler 90, Bismarck died Sunday April 7 in Mesa, Arizona of complications from pneumonia. Funeral services will be held at 11:00 am April 16, 2019 at Lutheran Church of the Cross, Bismarck with Pastor Lisa Ahlness officiating. Burial will be at the North Dakota Veterans Cemetery, Mandan. Visitation is scheduled for Monday, April 15 from 5-7pm at [DaWise-Perry Funeral Home in Mandan](#). A Masonic Service will be held at 7pm, and visitation will continue one hour prior to the service at the church.



Carroll was born March 5, 1929 in Luverne, MN to Wesley H. And Vera D. (Leech) Winkler. He was raised and educated in Luverne where he graduated from high school in 1947. He graduated from Palmer College of Chiropractic and soon after was drafted in to the Korean War. He served his country in the Air Force Medical Corps in North Africa. Upon discharge, he moved to Bismarck to begin his chiropractic practice. Carroll served Bismarck-Mandan and the surrounding communities for over 40 years in this capacity.

Carroll was very involved in his profession and served it well in many arenas. This included serving on the board of the North Dakota Chiropractic Association, as the North Dakota delegate to the American Chiropractic Association, as a member and tenure as president of the North Dakota Board of Chiropractic Examiners and as a member of the Board of Trustees of Northwestern College of Chiropractic. Nationally, he served as a member of the board of directors and president of the Federation of Chiropractic Licensing Boards. He also served the National Board of Chiropractic Examiners as a member of their board of directors.

Community service was also important to him. He was a member of the Eagles, the American Legion, the Moose Lodge, and United Commercial Travelers. He was also a member of the Lewis and Clark Masonic Lodge, the El Zagal shrine, El Zagal Oilers, the VFW and Bismarck Elks Lodge #1199.

On September 5, 1992 he married Verna Badley in Bismarck. They enjoyed many wonderful years together in Bismarck and Arizona.

He is survived by his wife, Verna, Bismarck and Mesa; one daughter, Dr. Carol J. Winkler (Dr. Cameron Nemecek), Bismarck; one son, Wesley Winkler, Bismarck; one step-daughter Sharon (Larry) Fetting, New Brighton, MN; two step sons, Gary (Mary Kay) Badley, Glendive, MT and David Badley, Keller, TX. He is also survived by three grandchildren, Blake, Grant and Grace Nemecek and seven step-grandchildren, Dr. Brooke (Herb) Giles, Bryan (Dena) Badley, Michael Fetting, Emma (Oge) Edward, and Morgan and Addison Badley. In addition, he leaves his sister-in-laws Paige Winkler and Mavis Wahlert as well as many nieces, nephews and several great grandchildren.

Carroll was preceded in death by his parents, brothers and sisters in law Owen and Darlene Winkler; Kerwin and Gola Winkler; Max Winkler and Alvin Wahlert.

Please sign the guestbook and share memories at www.dawiseperry.com. Funeral arrangements are being made with DaWise-Perry Funeral Services, Mandan, ND. In lieu of flowers, the family prefers memorials to the Scottish Rite Help Center and Lutheran Church of the Cross.

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Kelly R. Webb
PR and PACE Coordinator
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Sent:
To:
Subject:



Headquartered in Greeley, Colo., the NBCE was established in 1963. The NBCE



CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

AGENDA ACTION SHEET

TITLE: **Agenda Item 28 Correspondence Report – No action**

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

PREPARED BY: **Julie Strandberg**

MEETING DATE: **April 23, 2019**

TIME REQUIRED: **5 minutes**

BACKGROUND INFORMATION: **See attached.**

REVIEWED BY: President Secretary Executive Director

ACTION: Approved Approved w/Modifications Denied Continued



COUNCIL ON CHIROPRACTIC EDUCATION®
8049 NORTH 85TH WAY - SCOTTSDALE, AZ 85258-4321
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ACCREDITATION ACTIONS
- ANNOUNCEMENT -

February 8, 2019

Annual Council Meeting
January 10-12, 2019

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 is also a member of the Association of Specialized and Professional Accreditors (ASPA) and the CHEA International Quality Group (CIQG). 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 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 accreditation of the program and/or impose sanctions, if applicable.*

Life Chiropractic College West
25001 Industrial Boulevard, Hayward, CA 94545
Ronald Oberstein, D.C., President
Accreditation Action: Reaffirmation

Bases and reasons for decision: The Council reviewed all materials related to the accreditation process, to include, the self-study, site team report and the program's response regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in Sections 2.A-K. The program has no deficiencies that compromise the overall program integrity, however, identified weaknesses that would benefit from improvement regarding Section 2.A.3 & 2.H.2 will be monitored through further reporting.

Next Accreditation Activity: Progress Report (2.A.3 & 2.H.2), December 2, 2019
Next Comprehensive Site Visit: Fall 2026

Award Initial Accreditation (4-Year Cycle) - *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 approval, the Council 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 accreditation of the program.*

Keiser University – College of Chiropractic Medicine Program
2085 Vista Parkway, West Palm Beach, FL 33411
Michael Wiles, D.C., M.Ed., Dean
Accreditation Action: Awarded

Bases and reasons for decision: The Council reviewed all materials related to the accreditation process, to include the self-study, site team report and the program’s response regarding the CCE Accreditation Standards (and applicable policies), and found that the program meets the standards for accreditation in Sections 2.A-K, with no further reporting required.

Next Accreditation Activity: Program Characteristics Report, Fall 2020
Next Comprehensive Site Visit: Fall 2022

Initial Accreditation Application - *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.*

Universidad Central del Caribe – Doctor of Chiropractic Program
P.O. Box 60327, Bayamon, Puerto Rico 00960
Waleska Crespo, Ph.D., President
Accreditation Action: Approved

Bases and Reasons for Decision: The Council reviewed all materials related to the initial accreditation process, to include, the letter of intent and evidence of eligibility requirements regarding the CCE Accreditation Standards, Section 1.II.A.2, and determined that the program meets the eligibility requirements in Sections A-J.

Next Accreditation Activity: Self-Study Report, Fall 2020
Next Comprehensive Site Visit: Spring 2021

Interim Site Visits - *Interim Site Visits are conducted midway through the accreditation cycle of a program and focus on specific elements of the CCE Accreditation Standards, to include; program effectiveness, 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 accreditation of the program and/or impose sanctions, if applicable.*

Accreditation Actions Announcement
February 8, 2019

Parker University – College of Chiropractic
2540 Walnut Hill Lane, Dallas, TX, 75229
William Morgan, D.C., President
Accreditation Action: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Interim Site Visit review regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in program effectiveness, student achievement, assessment of learning outcomes and curricular effectiveness and distance/correspondence education, with no further reporting required.

Next Accreditation Activity: Program Characteristics Report, Fall 2020
Next Comprehensive Site Visit: Spring 2022

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 accreditation of the program and/or impose sanctions, if applicable.*

Sherman College of Chiropractic
2020 Springfield Road, Spartanburg, SC 29316
Edwin Cordero, D.C., President
Accreditation Action: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Program Characteristics Report regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in licensing exam success rate thresholds and publication, program completion rate thresholds, and finances, with no further reporting.

Next Accreditation Activity: Self-Study Report, Fall 2019
Next Comprehensive Site Visit: Spring 2020

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University of Western States – College of Chiropractic
2900 N.E. 132nd Avenue, Portland, OR 97230
Joseph E. Brimhall, D.C., President
Accreditation Action: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Program Characteristics Report regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in licensing exam success rate thresholds and publication, program completion rate thresholds, and finances, with no further reporting.

Accreditation Actions Announcement
February 8, 2019

Next Accreditation Activity: Self-Study Report, Spring 2020
Next Comprehensive Site Visit: Fall 2020

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 reviews the report in a progress review meeting and meets with program representatives (if necessary) where the Council determines if the program meets the Standards and subsequently makes a decision to continue, defer or revoke accreditation of the program and/or impose sanctions, if applicable.*

Southern California University of Health Sciences – Los Angeles College of Chiropractic
16200 E. Amber Valley Drive, Whittier, CA 90609
John G. Scaringe, D.C., Ed.D., CEO/President
Accreditation Action: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Progress Report regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in Section 2.A, with no further reporting.

Next Accreditation Activity: Interim Site Visit, Fall 2020
Next Comprehensive Site Visit: Fall 2024

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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: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Progress Report regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in Sections 2.A and 2.H, however, the program must demonstrate meeting threshold requirements in CCE Policy 56 for NBCE performance data and requires further reporting. As a result of the above actions, the Council has removed the sanction of probation.

Next Accreditation Activity: Program Characteristics Report (CCE Policy 56), Spring 2019
Next Comprehensive Site Visit: Fall 2025

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Sherman College of Chiropractic
2020 Springfield Road, Spartanburg, SC 29316
Edwin Cordero, D.C., President
Accreditation Action: Continued

Bases and reasons for decision: The Council reviewed all materials related to the Progress Report regarding the CCE Accreditation Standards (and applicable policies) and determined that the program meets the standards for accreditation in Section 2.H, with no further reporting required.

Next Accreditation Activity: Self-Study Report, Fall 2019
Next Comprehensive Site Visit: Spring 2020

Substantive Change Reports – *Substantive Change applications are submitted at the discretion of programs as defined within CCE Policy 1, Section A. Programs are required to describe how the program plans to continue to meet the requirements of the applicable CCE Standards while implementing the change in the areas identified within CCE Policy 1, Section B. The Council reviews the application and meets with program representatives (if necessary) where the Council determines if the program meets the Standards and subsequently makes a decision to accept the application and approve the substantive change, defer action and request additional information or deny approval of the substantive change (with no effect on the program’s current accreditation).*

University of Western States – College of Chiropractic
2900 N.E. 132nd Avenue, Portland, OR 97230
Joseph E. Brimhall, D.C., President
Accreditation Action: Deferred

Bases and reasons for decision: The Council reviewed all materials related to the substance change application for the planned move of the campus location regarding CCE Policy 1, Section B, and determined that the program does not meet the requirements in Sections B.1, B.3, B.4, B.6 & B.9 and requires further reporting.

Next Accreditation Activity: Progress Report, May 1, 2019
Next Comprehensive Site Visit: Fall 2020

Distribution:

Council
CCE Members
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 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: **April 23, 2019**

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 30** Adjournment – For possible action

RECOMMENDED MOTION: **Adjourn the meeting.**

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

MEETING DATE: **April 23, 2019**

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