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CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA

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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.

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.

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