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CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

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MEETING MINUTES

A meeting of the Chiropractic Physicians' Board was held on Thursday, October 10, 2019 at the Grant Sawyer Building, Legislative Counsel Bureau, 555 E. Washington, Suite 4412, Las Vegas, NV 89101.

The following Board members were present at roll call:

Jason O. Jaeger, DC, President
Morgan Rovetti, DC, Vice President
Maggie Colucci, DC, Member
Tracy DiFillippo, Esq., Consumer Member

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

President, Dr. Jaeger determined a quorum was present and called the meeting to order at 8:37 a.m.

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

Agenda Item 1 Public Interest Comments - No action.

Dr. Benjamin Lurie inquired about a cell phone version of the website for easier access. Dr. Lurie stated that DC's are using lyft or uber to transport patients and asked if the Board views this as unprofessional conduct, under aiding and abetting a patient to come into the office, or is it looked at like a medical unit that transports patients to their appointments and asked that the Board add this to the next Board agenda to discuss who covers the cost of the transportation service.

Dr. Lurie stated that he continues to receive notices through Instagram of chiropractors selling CBD, and asked whether the rule has changed regarding DC's selling CBD. Dr. Lurie recommended that a reminder be sent out to the DC's advising them that they are still not allowed to sell CBD.

Dr. Lurie stated that there is a growing concern with non-DC's owning chiropractic clinics, and recommended that the Board look into entity laws, to register entities so the Board has jurisdiction over individuals who own a chiropractic clinic.

Dr. Lurie congratulated the Board and Mr. Musgrove on its successful legislative session.

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Dr. Lurie stated that with respect to agenda item 20, he recalls the Board addressing an applicant before the Board who graduated from a foreign college approximately four to five years ago. Dr. Lurie asked that the Board refer to meeting minutes to confirm the Board's decision prior to making a ruling for consistency.

Agenda Item 2 Approval of agenda – For possible action.

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

Agenda Item 3 Approval of the August 29, 2019 Board Meeting Minutes. - For possible action.

Dr. Colucci moved to approve the August 29, 2019 meeting minutes. Dr. Jaeger 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 June to September 2019 – For possible action.

Ms. DiFillippo moved to approve the ratification of granting of DC licenses to those who passed the examination from June through September 2019. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 5 Ratification of granting of CA certificates to applicants who passed the examination on August 1, 2019 – For possible action.

Dr. Colucci moved to approve the ratification of granting of CA certificates to those who passed the examination on August 1, 2019. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 9 Discussion and potential action regarding students shadowing chiropractic physicians' and other office staff – For possible action.

Dr. Benjamin Lurie, CEO of the Neck and Back Clinics stated that the Clark County School District reached out to him to inquire about whether, chiropractors had an interest in allowing high school seniors, who are going into a biomedical program at the Northwest Career Technical Academy to shadow staff for educational purposes. Dr. Lurie stated that he started a pilot program with eight students who rotate on a two-hour basis shadowing staff in his practice. Dr. Lurie stated that the goal is that, upon graduation, the student would be eligible to sit for the chiropractor's assistant exams, and referred to NAC 634.355 (4), which indicates that the Board may waive one or more requirements.

Dr. Jaeger stated that he has also volunteered to participate in the program that Dr. Lurie piloted, by also allowing eight students to shadow staff. Dr. Jaeger recommended that pursuant to NAC 634.355, the Board waive the age requirement to allow students to be hands-on. Dr. Jaeger also stated that this type of program is in line with the Governors healthcare agenda with the intent of attracting more healthcare providers to Nevada.

Following discussion, Mr. Ling stated that pursuant to NAC 634.355, the Board can approve programs, and recommended that Dr. Lurie formalize the program, and bring it back before the Board for discussion and approval. Dr. Lurie asked the Board to think about how many students would be considered a manageable number for a DC to have in their office at one time.

Dr. Jaeger stated that this agenda item will be moved to the next Board meeting.

Agenda Item 10 Discussion and potential action regarding chiropractic physicians identifying multiple corporation names on their office door – For possible action.

Dr. Benjamin Lurie, CEO of the Neck and Back Clinic stated that there are chiropractic offices that list multiple entities on their office door, and is concerned that many groups are operating as referral bureaus/coop operations. Dr. Lurie recommended that the Board look at how referral bureaus/coops work with respect to their fee structure and fee splitting. Mr. Ling stated that the Board can strengthen the existing fee splitting regulation to capture this activity. Dr. Lurie also recommended that the Board consider requiring that a chiropractic physician be included in the ownership of a chiropractic practice. Mr. Ling confirmed that if the Board is interested in regulating who can own a chiropractic practice this will need to be done through the legislature.

Agenda Item 6 Legislative Matters – For possible action.

Mr. Musgrove stated that there are nine assembly and four senators that may be leaving office, and recommended that the Board talk to the new legislators about chiropractic, and help them understand its importance. Mr. Musgrove stated that the sunset subcommittee and the executive branch audit committee are both continuing to study Board operations.

Agenda Item 7 Discussion and potential action regarding the Matter of James Overland Jr., DC - For possible action. (Note: The Board may go into closed session pursuant to NRS 241 to consider the character alleged misconduct, or professional competence of Dr. Overland)

Dr. Jaeger welcomed Dr. Overland, Jr. and gave Dr. Overland Jr. the opportunity to go into closed session, and he denied. Dr. Martinez was present by telephone and gave an opening statement regarding Dr. Overland Jr.'s character. Dr. Jaeger asked questions from the Board. Following discussion, Dr. Martinez made a motion to accept Dr. Overland Jr.'s application contingent on him staying current with the proposed payment schedule. Dr. Rovetti seconded. Ms. DiFillippo made a motion to approve Dr. Overland's application for licensure, that he make payments in accordance with the proposed payment schedule, and if a payment is 30 days past due Dr. Overland Jr.'s license will be suspended until his payments are current, as well as be assigned a practice monitor for two years. Dr. Overland Jr. may request to come before the Board at any time to request the practice monitor be terminated. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 12 NCA Report – No action.

Dr. Peter Randall was in attendance on behalf of the NCA. Dr. Randall requested clarification regarding the regulation for dry needling. Dr. Jaeger explained the status of the regulation. Dr. Randall stated that the NCA is concerned with Physical Therapists teaching and performing grade 5 spinal manipulation, and stated that the Physical Therapy Board is meeting on November 15, 2019 to consider this subject. Dr. Randall stated that the NCA is holding their annual seminar in Reno on Saturday, November 23, 2019. The location is yet to be determined. A personal injury attorney will be speaking for 8 hours and CA training will be held for 4 hours at Dr. David Rovetti's office.

Agenda Item 8 Discussion and potential action regarding the application to reinstate the chiropractic physician license of Tikisa Primes, 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. Primes)

Dr. Jaeger welcomed Dr. Primes and gave Dr. Primes the opportunity to go into closed session, and he denied. Dr. Primes provided the Board with a summary of his history since his license lapsed. Following discussion, Dr. Jaeger made a motion that Dr. Primes take and pass the SPEC exam, and the Nevada jurisprudence exam, take 24 hours of continuing education focusing on technique and adjusting, and then come back before the Board for the application to be considered. Dr. Colucci seconded. Dr. Rovetti recommended that the motion be amended to accept Dr. Primes' application contingent upon passing the SPEC exam and the completion of 12 hours of in-person continuing education focusing on technique and adjusting with at least 4 hours of technique. Dr. Jaeger modified his motion in accordance with Dr. Rovetti's recommendation to include the jurisprudence exam. Dr. Colucci seconded, and the motion passed with all in favor.

Agenda Item 11 Board Counsel Report – No action.

Mr. Ling stated that he had nothing to report.

Agenda Item 14 Committee Reports

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

This item was tabled until the next Board meeting.

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

Dr. Jaeger deferred to the report provided by Mr. Musgrove.

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

Dr. Rovetti stated that she had nothing to report. Julie Strandberg indicated that there are currently six active preceptors and four pending.

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

Dr. Rovetti stated that she will discuss in detail under agenda items 17 and 19.

Agenda Item 16 Agenda Item FCLB/NBCE Matters – For possible action.

Dr. Colucci reported that the District I & IV meeting went well, although attendance decreased from previous meetings. The annual conference will be held April 23-26, 2020 in Denver, Colorado.

Agenda Item 21 Executive Director Reports:

A. Status of Pending Complaints – No action.

B. Status of Current Disciplinary Actions – No action.

C. Legal/Investigatory Costs – No action.

Julie Strandberg summarized the quarterly executive director reports.

Agenda Item 22 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 August 31, 2019 – No action.

F. Budget to Actual at June 30, 2019 – No action

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Julie Strandberg summarized the quarterly financial reports.

Agenda Item 23 Discussion and potential action regarding the Boards' 2020 meeting schedule - For possible action.

The Board agreed on the following 2020 Board meeting dates: January 23rd, April 2nd, July 23rd, and October 22nd.

Agenda Item 13 NCC Report – No action.

Andrea Waller, Executive Director was in attendance on behalf of the NCC and reported that the NCC will hold its 4th annual convention on Saturday, October 19, 2019 in Las Vegas, NV from 8:00 a.m. to 8:00 p.m. which will showcase the NCC's anti-opioid video. The convention will offer 12 hours of continuing education, and is open to both DC's and CA's.

Agenda Item 15 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action:

- A. Complaint 17-28S (Colucci)**
Dr. Colucci stated that a Settlement Agreement and Order has been prepared and is ready for submittal to the DC's attorney.
- B. Complaint 18-13S (Rovetti)**
Dr. Rovetti stated that this complaint is under investigation.
- C. Complaint 18-15S (Jaeger)**
Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-17S and 19-03S, and the investigation is ongoing.
- D. Complaint 18-17S (Jaeger)**
Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-15S and 19-03S, and the investigation is ongoing.
- G. Complaint 19-03S (Jaeger)**
Dr. Jaeger stated that the DC is allegedly allowing staff to perform duties without being present in the office. Dr. Jaeger stated that this complaint is against the same DC mentioned in complaints 18-15S and 18-17S, and the investigation is ongoing.
- E. Complaint 18-18N (Martinez)**
This item was tabled until the next Board meeting.
- F. Complaint 19-01N (Martinez)**
This item was tabled until the next Board meeting.
- H. Complaint 19-07S (Colucci)**
Dr. Colucci stated that this complaint was from an attorney who alleged that the DC gave an opinion outside the scope of practice. Dr. Colucci stated that this complaint is under investigation.
- I. Complaint 19-08S (Jaeger)**

Dr. Jaeger stated that this complaint was from an attorney who alleged that the DC rendered an expert opinion without a Nevada DC license. Dr. Jaeger stated that the DC has obtained his Nevada license and recommended that this complaint be dismissed. Dr. Colucci made a motion to dismiss complaint 19-08S. Ms. DiFillippo seconded, and the motion passed with all in favor. Dr. Jaeger recused himself as the investigating board member.

J. Complaint 19-09S (Canada)

This item was tabled until the next Board meeting.

K. Complaint 19-10N (Martinez)

This item was tabled until the next Board meeting.

L. Complaint 19-11S (Colucci)

Dr. Colucci stated that this complaint is in process, pending the patient's records from the DC.

Agenda Item 17 Discussion and potential action to offer the chiropractor's assistant exam online – For possible action.

Dr. Jaeger made a motion to offer the CA exam online. Ms. DiFillippo seconded. Dr. Rovetti shared her concerns, including possible cheating, test questions being released, the doctor doing the test, and indicated she would step down from the test committee if the Board decided to move forward with putting the test online. The motion passed with all in favor with the exception of Dr. Rovetti, who opposed. Dr. Rovetti resigned as the test committee chair.

Agenda Item 20 Discussion and potential action regarding a policy for staff to follow with respect to approving applicants who graduate from a foreign school – For possible action.

Dr. Jaeger recommended that a policy be put in place with respect to confirming that a foreign school's curriculum complies with Nevada law. Dr. Jaeger made a motion that when the Board receives an inquiry whether a foreign graduate will qualify for licensure in Nevada, they will be directed by staff to request that the school submit a letter to the Board identifying the type of degree and/or the number of hours are required to complete the program prior to submitting an application for DC licensure. Ms. DiFillippo seconded. Dr. Rovetti stated that the application fee is for staff to review the application, so it appears an extra step is being added that helps the applicant, but is really part of their research prior to attending a foreign school. Dr. Rovetti indicated that the problem she is having, is that the policy is not in front of her and more information would be helpful. Mr. Ling stated that the only language in the statute that is unclear is if the foreign program includes 4,000 hours, but is not called doctor of chiropractic. The motion passed with all in favor with the exception of Dr. Rovetti who opposed.

Agenda Item 24 Correspondence Report – No action.

Julie Strandberg reported that staff is currently in the midst of CA renewals and provided an overview of the flyer received from the Institute of Recovery Las Vegas Drug & Alcohol Treatment Center.

Agenda Item 18 Discussion and potential action regarding the in-person CA exam date – For possible action.

Dr. Jaeger made a motion to hold the CA examination on February 20, 2020.

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Agenda Item 19 Discussion and potential action regarding the chiropractor's assistant program – For possible action

Dr. Rovetti shared her thoughts on how the CA program the Board currently has in place is inconsistent. She stated that if the Board thinks regulation/testing of CA's is so important, the Board should consider registering and approving CA's before they touch patients. Dr. Rovetti also recommended that the Board make it mandatory that DCs who employ CA's have malpractice insurance and that in the interest of public safety, the Board consider CA's no longer take x-rays. Dr. Jaeger asked that this item be moved to the next Board meeting.

Agenda Item 25 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.

Dr. Lurie requested a meeting with Board Counsel and the Board President to discuss med-pay on personal injury cases. Dr. Lurie also stated that there are many DC's who do not know that the Board will accept continuing education that is approved/sponsored by other medical boards, and asked that the Board communicate this information.

Agenda Item 26 Adjournment – For possible action.

Dr. Jaeger moved to adjourn the meeting. Ms. DiFillippo seconded, and the motion passed unanimously.

January 23, 2020

Morgan Rovetti, DC